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From: Russell, Glenn S [Glenn.Russell@sdcounty.ca.gov]
Sent: Thursday, March 15, 2007 11:30 AM
To: triskie@comcast.net
Subject: Recent developments in San Diego County

Dear Trish;

It was with great interest that I read your white papers on cultural resource problems. I am a Chief in the County of San Diego Planning Department and I am also a professional archaeologist. I am not sure if we have met, but I am a lifetime SCA member so perhaps we have. At any rate, I am contacting you to let you know that the County of San Diego has adopted formal CEQA guidelines and report formats for cultural resource reports prepared pursuant to CEQA on private development projects. This is in addition to a number of other changes that we have made to our process, including a new consultant selection process that includes an MOU signed by the developer and the consultant that establishes ground rules. You may find these new documents interesting and they are probably directly on point in regard to some of the issues discussed in the white papers. The documents may be accessed at our web page:

<http://www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#ceqa>

Please forward the link to anyone you think might find it interesting. Also, in the event that you find our new process improvements to be of interest, I am available to discuss them with you or even make a presentation. I will be attending the SCA meetings in San Jose. I am also writing up a short blurb on these process improvements for the SCA newsletter. Many thanks.

Glenn

P.S. Perhaps I typed it incorrectly, but the committee's e-mail address listed in the white papers did not work for me. Also, it was very hard to read. It appeared to be shrcarchaeologicalresourcescommitte@parks.ca.gov

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7/28/2007

3.24.07 comment from
Glen Russell
Re: SHRC Arch. Committee
White Papers

COUNTY OF SAN DIEGO

**GUIDELINES FOR DETERMINING SIGNIFICANCE
AND
REPORT FORMAT AND CONTENT REQUIREMENTS**

**CULTURAL RESOURCES:
ARCHAEOLOGICAL AND HISTORIC RESOURCES**



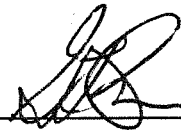
LAND USE AND ENVIRONMENT GROUP

**Department of Planning and Land Use
Department of Public Works**

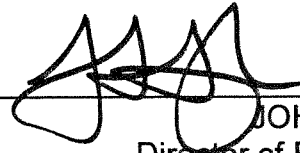
September 26, 2006

APPROVAL

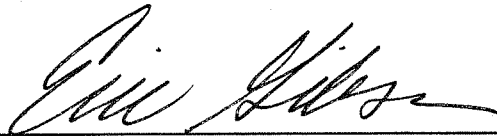
I hereby certify that these **Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources** are a part of the County of San Diego, Land Use and Environment Group's Guidelines for Determining Significance and Technical Report Format and Content Requirements and were considered by the Director of Planning and Land Use, in coordination with the Director of Public Works on the 26th day of September, 2006.



GARY PRYOR
Director of Planning and Land Use




JOHN SNYDER
Director of Public Works



Attest: ERIC GIBSON
Deputy Director of Planning and Land Use

I hereby certify that these **Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources** are a part of the County of San Diego, Land Use and Environment Group's Guidelines for Determining Significance and Technical Report Format and Content Requirements and have hereby been approved by the Deputy Chief Administrative Officer (DCAO) of the Land Use and Environment Group on the 26th day of September, 2006. The Director of Planning and Land Use is authorized to approve revisions to these Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources, except any revisions to the Guidelines for Determining Significance presented in Chapter 4.2 must be approved by the Deputy CAO.

Approved, September 26, 2006



CHANDRA WALLAR
Deputy CAO

COUNTY OF SAN DIEGO

GUIDELINES FOR DETERMINING SIGNIFICANCE

CULTURAL RESOURCES:
ARCHAEOLOGICAL AND HISTORIC RESOURCES



LAND USE AND ENVIRONMENT GROUP

Department of Planning and Land Use
Department of Public Works

September 26, 2006

EXPLANATION

These Guidelines for Determining Significance for Cultural Resources: Archaeological and Historic Resources and information presented herein shall be used by County staff for the review of discretionary projects and environmental documents pursuant to the California Environmental Quality Act (CEQA). These Guidelines present a range of quantitative, qualitative, and performance levels for particular environmental effects. Normally, (in the absence of substantial evidence to the contrary), non-compliance with a particular standard stated in these Guidelines will mean the project will result in a significant effect, whereas compliance will normally mean the effect will be determined to be "less than significant." Section 15064(b) of the State CEQA Guidelines states:

"The determination whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on factual and scientific data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."

These Guidelines assist in providing a consistent, objective and predictable evaluation of significant effects. These Guidelines are not binding on any decision-maker and should not be substituted for the use of independent judgment to determine significance or the evaluation of evidence in the record. The County reserves the right to modify these Guidelines in the event of scientific discovery or alterations in factual data that may alter the common application of a Guideline.

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List of Acronyms

AB	Assembly Bill
CC	Civil Code
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
DPLU	Department of Planning and Land Use
DPR	Department of Parks & Recreation
DPW - ESU	Department of Public Works – Environmental Services Unit
GC	Government Code
HSC	Health and Safety Code
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
PC	Penal Code
PRC	Public Resource Code
RPO	County of San Diego Resource Protection Ordinance
RTC	Revenue and Tax Code
SB	Senate Bill
USC	United States Code

INTRODUCTION

This document provides guidance for evaluating adverse environmental effects that a proposed project may have on cultural resources. Cultural resources are the tangible or intangible remains or traces left by prehistoric or historical peoples who inhabited the San Diego region. Cultural resources can also include traditional cultural places, such as gathering areas, landmarks, and ethnographic locations. Criteria established in these Guidelines are based on the California Environmental Quality Act (CEQA), and the Federal, State, and Local Registers of Historical Resources. These Guidelines should be consulted during the evaluation of any cultural resource pursuant to CEQA.

Specifically, this document addresses the following questions listed in the State CEQA Guidelines, Appendix G, V. Cultural Resources:

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- d) Disturb any human remains, including those interred outside of formal cemeteries.

In order to determine the "significance" of a potential impact to cultural resources, the *importance* of the resource in question must be first be assessed, and then the *severity* of potential impacts to that resource must be measured. These are both addressed under existing regulations and policies as summarized in Chapter 2.0. Guidance for the assessment of importance is provided in Chapter 3.0, and guidance on the evaluation of the severity of impacts is provided in Chapter 4.0.

1.0 GENERAL PRINCIPLES AND EXISTING CONDITIONS

Cultural resources are found throughout the County of San Diego and are reminders of the County's 10,000 year old historical record. They are typically located in protected areas near water sources and multiple ecoregions. Landform does not always equate to the presence of cultural resources; however, landform does provide clues to the potential for resources. For example, gently sloping topography and bedrock outcropping in combination with a local water source and two or more ecoregions should be scrutinized more closely than steeply sloping topography for the presence of prehistoric sites. However, steep hillsides may contain historic sites such as mines, and prehistoric sites such as rock art, quarries, rock shelters, and caches.

Cultural resources encompass both the built (post-1769) and the archaeological environments as well as traditional cultural properties. They require an understanding of basic concepts before a determination of significance can be made. The following subchapters provide a cultural background for San Diego County and the components of the cultural environment.

1.1 San Diego County Cultural Background

Archaeological evidence reveals that San Diego County has a long cultural history beginning approximately 10,000 years ago. The following cultural background discusses the characteristics of each cultural period of prehistory and history. The information that follows (subchapters 1.1.1 and 1.1.2, and Table 1) is reproduced with the permission of the author, *Dennis Gallegos*¹.

1.1.1 Pre-Contact Background

The body of current research of Native American (Pre-Contact) occupation in San Diego County recognizes the existence of at least two major cultural traditions, discussed here as Early Period/Archaic and Late Period, based upon general economic trends and material culture (Table 1). Within San Diego County, the Early Period/Archaic includes the period from 10,000 to 1,300 years ago, while the Late Period is from 1,300 years ago to historic (Spanish) contact. The Post-contact/Historic Period covers the time from Spanish contact to present. Terminology used for the past 10,000 year history of San Diego County includes a mixture of ideas of ordering archaeological sites using terms for peoples, collections of artifacts, and temporal time frames. The first ordering was by Malcolm Rogers who used the terms: Shell-Midden people, Scraper-Maker culture (scraper-makers), and Yuman (Rogers 1929). He later revised his chronology to use the terms San Dieguito (Scraper-Maker), La Jolla culture (Shell-Midden people) and Yuman (Rogers 1945). Claude Warren characterized the San Dieguito Tradition as: "... a wide range of scraper types made on side-struck flakes and finished by well-controlled percussion flaking, leaf-shaped knives or large points of several varieties, leafshaped, lanceolate and slightly shouldered points in small number. Chipped stone crescents, often eccentric in form, hammerstones and flaked tools are few in number. Milling stones and manos are noticeably absent" (Warren 1968). Warren's revision to Rogers' La Jolla culture, was called the Encinitas Tradition wherein he identifies: "...the majority of flaked stone tools being percussion flaked and made from local macrocrystalline rock. A large percentage of the tool assemblage is composed of chopping, scraping and cutting tools and hammerstones. Projectile points are rare and

¹ Further readings pertinent to the Luiseño and Kumeyaay (Diegueño) Native Americans include: Almstedt (1974); Barrows (1900); Bean (1972); Bean and Saubel (1972); Bean and Shipek (1978); Burrus (1967); Cuero (1968); Drucker (1939); Dubois (1908); Gifford (1918); Harrington (1978); Hedges and Beresford (1986); Heizer and Almquist (1971); Heizer and Whipple (1957); Hooper (1920); Keneally (1965); Kroeber (1925); Langdon (1970); Merrill (1973); Pourade (1960); Priestley (1937); Rudkin (1956); Shipek (1977, 1980, 1986a, 1986b, 1987, 1988, 1989a, 1989b, 1991, 1993); Sparkman (1908); Spicer (1962); Spier (1923); Strong (1929); Tibesar (1955); Underhill (1941); White (1963); Wolcott (1929); and Woodward (1934).

rather large, suggesting the use of darts, rather than bow and arrow. Ground stone items include large numbers of manos and milling stones usually shaped through use, and occasional items such as doughnut stones, discs and cogstones...Bone tools are rare but include awls, antler flakers, beads...Shell items are also limited, but include beads, pendants...Basketry is represented...Loosely flexed burials are found throughout the area..." (Warren et al. 1968). Warren has more recently updated his chronology and for the San Dieguito Tradition (Initial Occupation) has since included milling tools and a wider range of tools and food sources, and now discusses the potential of Transitional and intermediate stages of occupation to cover the past 10,000 years of Native American occupation in San Diego County (Warren 1998). Early Man in San Diego County was discussed by George Carter in the 1950s; however little to no evidence of Pleistocene human occupation supports this hypothesis (Carter 1957).

Early Period/Archaic

The Early Period/Archaic includes the San Dieguito, La Jolla and Pauma complexes, which are poorly defined, as are the interrelationships between contemporaneous inland, desert, and coastal assemblages (Gallegos 1987). Initially believed to represent big game hunters, the San Dieguito people are better typified as a hunting and gathering society. These people had a relatively diverse and non-specialized economy wherein relatively mobile bands accessed and used a wide range of plant, animal, and lithic resources. Movement of early groups from the California desert may have been spurred by the gradual desiccation of the vast pluvial lake system that dominated inland basins and valleys during the early to middle Holocene. This hypothesis is supported by the similarity between Great Basin assemblages and those of Early Holocene Archaic sites in San Diego County. Several researchers recognized the regional similarity of artifacts and grouped these contemporaneous complexes under the nomenclature of either the Western Pluvial Lakes Tradition or the Western Lithic Co-tradition (Bedwell 1970; Davis et al. 1969; Moratto 1984; Rogers 1939; Warren 1967).

Early migrations into San Diego County may have come from the north. Recent work on the northern Channel Islands near Santa Barbara demonstrates island occupation dating back to the terminal Pleistocene, roughly 11,600 years ago (Erlandson et al. 1996; Johnson et al. 2000). At this early date, a fully maritime-adapted population exploited shellfish and used seaworthy boats to ply channel waters. Fish were captured using bone gorges by 10,000 years ago (Rick et al. 2001). Such early dates are lacking for the adjacent Santa Barbara mainland; presumably because the rise in sea level brought about by post-Pleistocene deglaciation would have inundated sites along the late Pleistocene/early Holocene coastlines. At this time in San Diego County, the shoreline stood two to six kilometers (km) farther seaward than today's coast (Masters and Gallegos 1997). Therefore, any evidence for early coastal adaptation coeval with that of the northern Channel Islands may have been destroyed within this two to six km paleo-shoreline area by sea encroachment thousands of years ago.

The origin of coastal populations in San Diego County and subsequent interaction between these populations and Great Basin/desert groups is a subject of some debate (Gallegos 1987). Whether they migrated into San Diego County from the coast or inland, the first occupants immediately exploited coastal and inland resources of plants, animals, shellfish, and fish (Gallegos 1991; Moriarty 1967; Kaldenberg 1982; Kyle et al. 1998).

The development of a generalized economic system indicates that the initial occupation, referred to here as San Dieguito can be placed within the general Archaic pattern. Archaic cultures occur within North America at slightly different times in different areas, but are generally correlated with local economic specialization growing out of the earlier Paleo-Indian Tradition (Willig et al. 1988). Archaic cultures are often represented by more diverse artifact assemblages and more complex regional variation than Paleo-Indian traditions. This is generally thought to have resulted from the gradual shift away from a herd-based hunting focus to a more diverse and area specific economy.

The earliest known sites are found near coastal lagoons and river valleys of San Diego County. These sites are the Harris Site (CA-SDI-149), Agua Hedionda sites (CA-SDI-210/UCLJ-M-15 and CA-SDI-10695), Rancho Park North (CA-SDI-4392/SDM-W-49), and Remington Hills (CA-SDI-11069), dating from 9,500 to 8,000 years ago. The northern San Diego County coastal lagoons supported large populations, circa 6,000 years ago, as shown by the numerous radiocarbon-dated sites adjacent to these lagoons. After 3,000 to roughly 1,500 years ago, there are fewer archaeological sites in northern San Diego County. This reduction in number of archaeological sites can be attributed to the slowing of the rise in sea level and concomitant siltation of coastal lagoons causing the depletion of shellfish and other lagoon resources (Gallegos 1985; Miller 1966; Warren and Pavesic 1963). Archaeological sites dated to circa 2,000 years ago are found in the Camp Pendleton area (Byrd and Reddy 2002), wherein shellfish (*Donax gouldii*) were collected from open-shore sandy beach habitat; and bay species were still abundant in San Diego Bay, and present but not as dominate in other lagoons. Batiquitos Lagoon and perhaps other lagoons reopened circa 1,500 years ago, therein producing shellfish, but neither the quantity, size or variety of shellfish as documented for the early to middle Holocene (Miller 1966, Gallegos 1985).

The La Jolla and Pauma complexes, which are referred to as following the San Dieguito Complex, may simply represent seasonal or geographic variations of the somewhat older and more general San Dieguito Complex. Inland Early/Archaic Period occupation sites have been reported in coastal settings, transverse valleys, sheltered canyons, benches and knolls (True 1958; Warren et al. 1961). In north San Diego County, non-coastal sites were termed "Pauma Complex" by True (1958, 1980), and were defined as containing a predominance of grinding implements (manos and metates), a general lack of shellfish remains, a greater tool variety, and express an emphasis on both gathering and hunting (True 1958, 1980; Warren et al. 1961; Waugh 1986).

Early Period/Archaic sites from 10,000 to 1,300 years ago within San Diego County include a range of sites that include coastal and inland valley habitation sites, inland hunting and milling camps, and quarry sites, usually in association with fine-grain metavolcanic material. Material culture assemblages during this long period are remarkably similar in many respects. These deposits may well represent a process of relative terrestrial economic stability and presumably slow cultural change. Though various culture traits developed or disappeared during the long span of 10,000 to 1,300 years ago, there is a clear pattern of cultural continuity during this period.

Late Period

During the Late Period (circa 1,300 to historic contact), a material culture pattern similar to that of historic Native Americans first becomes apparent in the archaeological record. The economic pattern during this period appears to be one of more intensive and efficient exploitation of local resources. The prosperity of these highly refined economic patterns is well evidenced by the numerous Kumeyaay/Diegueño and Luiseño habitation sites scattered throughout San Diego County. This increase in Late Period site density probably reflects both better preservation of the more recent archaeological record and a gradual population increase within the region. Artifacts and cultural patterns reflecting this Late Period pattern include small projectile points, pottery, the establishment of permanent or semi-permanent seasonal village sites, a proliferation of acorn milling sites in the uplands, the presence of obsidian from the Imperial Valley source Obsidian Butte, and interment by cremation.

Luiseño occupation in northern San Diego County during the late Holocene has been viewed as an occupation that migrated from the desert to the coast (Rogers 1966), an incursion called "the Shoshonean Wedge" (Kroeber 1925). Late Period culture patterns were shared with groups along the northern and eastern periphery of San Diego County, incorporating many elements of their neighbors' culture into their own cultures. This transference and melding of cultural traits between neighboring groups makes positive association of archaeological deposits with particular ethnographically known cultures difficult. This is particularly true of the groups within San Diego County. Although significant differences exist between Luiseño and Kumeyaay/Diegueño cultures (including linguistic stock), the long interaction of these groups during the Late Period resulted in the exchange of many social patterns. Archaeologists must rely heavily on ethnographic accounts of group boundaries as recorded during the historic period, although it is not known how long these boundaries had been in place or the validity of these boundaries as presently reported.

Kroeber (1925) placed the Kumeyaay and Luiseño boundary between Agua Hedionda and Batiquitos Lagoon. According to Luomala (1978) the territory of the Ipai extended along the coast from the San Luis Rey River in the north to San Diego Bay in the south with San Felipe Creek marking the eastern boundary. The territory of the Tipai, the southern group, extended south from San Diego Bay to include parts of Mexico and the southern mountains. Florence Shipek (1993) identified the northern and southern Kumeyaay/Diegueño tribal boundary as:

In 1769, the Kumeyaay national territory started at the coast about 100 miles south of the Mexican border (below Santo Tomas), thence north to the coast at the drainage divide south of the San Luis Rey River including its tributaries. Using the U.S. Geological Survey topographic maps, the boundary with the Luiseño then follows that divide inland. The boundary continues on the divide separating Valley Center from Escondido and then up along Bear Ridge to the 2240 contour line and then north across the divide between Valley Center and Woods Valley up to the 1880-foot peak, then curving around east along the divide above Woods Valley... (Shipek 1993)

1.1.2 Historical Background

The history of San Diego County is commonly presented in terms of Spanish, Mexican, and American political domination. A discussion of historic land use and occupation under periods of political rule by people of European and Mexican origin is justified on the basis of characteristics associated with each period, when economic, political, and social activities were influenced by the prevailing laws and customs. Certain themes are common to all periods, such as the development of transportation, settlement, and agriculture. Robinson (1969) provides a comprehensive account of public and privately owned land in California, with a discussion of laws, activities and events related to the development of the state.

Spanish Period (1769-1821)

The Spanish Period represents exploration, the establishment of the San Diego Presidio and missions at San Diego (1769) and San Luis Rey (1798), and *asistencias* (chapels) to the San Diego Mission at Santa Ysabel (1818) and to the San Luis Rey Mission at Pala (1816). Horses, cattle, agricultural foods and weed seeds, and a new architectural style and method of building construction were also introduced. Spanish influence continued after 1821 when California became a part of Mexico. For a period of time under Mexican rule, the missions continued to operate as in the past, and laws governing the distribution of land were also retained.

Mexican Period (1821-1848)

The Mexican Period includes the initial retention of Spanish laws and practices until shortly before secularization of the missions in 1834, a decade after the end of Spanish rule. Although several grants of land were made prior to 1834, vast tracts of land were dispersed through land grants offered after secularization. Cattle ranching prevailed over agricultural activities, and the development of the hide and tallow trade increased during the early part of this period. The Pueblo of San Diego was established and transportation routes were expanded. The Mexican Period ended in 1848 as a result of the Mexican-American War.

American Period (1848 to Present)

The American Period began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Terms of the treaty brought about the creation of the Lands Commission, in response to the Homestead Act of 1851 that was adopted as a means of validating and settling land ownership claims throughout the state. Few Mexican ranchos remained intact because of legal costs and the difficulty of producing sufficient evidence to prove title claims. Much of the land that once constituted rancho holdings became available for settlement by immigrants to California. The influx of people to California and the San Diego region resulted from several factors including the discovery of gold in the state, the conclusion of the Civil War, the availability of free land through passage of the Homestead Act, and later, the importance of San Diego County as an agricultural area supported by roads, irrigation systems, and connecting railways. The growth and decline of towns occurred in response to an increased population and the economic boom and bust cycle in the late 1800s.

1.1.3 Native American Perspective

In addition to the point of view discussed above, the County acknowledges that other perspectives exist to explain the presence of Native Americans in the region. The Native American perspective is that they have been here from the beginning as described by their creation stories. Similarly, they do not necessarily agree with the distinction that is made between different archaeological cultures or periods, such as "La Jolla" and "San Dieguito". They instead believe that there is a continuum of ancestry, from the first people to the present Native American populations of San Diego. To acknowledge this perspective, consultation with affected Native American communities can be beneficial to fully understand the impact to cultural resources. The consultation is typically administered pursuant to Senate Bill 18 (see Section 2.2).

2.0 EXISTING REGULATIONS AND POLICIES

In the County of San Diego, adverse impacts to cultural resources are primarily addressed through the California Environmental Quality Act (CEQA), the National Register of Historic Places, California Register of Historical Resources, San Diego County Local Register of Historical Resources, San Diego County Resource Protection Ordinance (RPO), and Conservation Element (Part X) of the San Diego County General Plan. These and other local regulations are summarized below. Additional federal and state regulations that govern the assessment and protection of cultural resources can be found in Attachment A.

2.1 Federal Regulations and Standards

National Register of Historic Places, 1981²

[<http://ecfr.gpoaccess.gov>]

The National Register is an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing of private property on the National Register does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

2.2 State Regulations and Standards

Traditional Tribal Cultural Places, 2004³

[http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_18_bill_20040930_chaptered.pdf]

The Traditional Tribal Cultural Places Bill of 2004 requires local governments to consult with Native California groups at the earliest point in the local government land use planning process. The consultation intends to establish a meaningful dialogue regarding potential means to preserve Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance. It allows for tribes to hold conservation easements and for tribal cultural places to be included in open space planning.

California Environmental Quality Act (CEQA)⁴

[<http://ceres.ca.gov/ceqa/>]

The California Environmental Quality Act requires that cultural resources be considered when assessing the environmental impacts of proposed projects. Specifically applicable provisions of the State CEQA Guidelines are summarized in Chapter 3.0.

California Register of Historical Resources, 1993⁵

[<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5020-5029.5>]

The California Register's purpose is to develop and maintain, "an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects, which are eligible to the National Register, are automatically included in the California Register.

Human Remains⁶

[<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=07001-08000&file=7050.5-7055>]

HSC Section 7050.5 requires that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further

² 36 CFR 60

³ SB 18, CC §815.3; GC §65040.2, §65092, §65351-52, §65560, §65352.3-52.5.

⁴ PRC, § 21000 et. seq. and the State CEQA Guidelines, CCR, §15000 et seq.

⁵ PRC §5024.1.

⁶ HSC §7050.5.

excavation or disturbance of the site or any nearby area reasonably suspected to overlay adjacent remains until the County Coroner has examined the remains. If the Coroner determines the remains to be those of an American Indian, or has reason to believe that they are those of an American Indian, the Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission. In addition, any person who mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor.

2.3 Local Regulations and Standards

Resource Protection Ordinance⁷

[http://www.sdcountry.ca.gov/dplu/Resource/docs/3~pdf/res_prot_ord.pdf]

The majority of development in the County is subject to RPO. This ordinance requires that cultural resources be evaluated as part of the County's discretionary environmental review process and if any resources are determined significant under RPO, they must be preserved. RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use that may result in damage to significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

Conservation Element (Part X) of the San Diego County General Plan

The Conservation Element of the San Diego County General Plan provides policies for the protection of natural resources. These policies provide guidance for the preservation of cultural resource.

Mills Act (San Diego County) – Historical Property Contracts, 2002⁸

[http://www.sdcountry.ca.gov/cob/ordinances/index_2002.html and

http://www.sdcountry.ca.gov/cob/ordinances/index_2004.html]

Ordinance 9425 amended by Ordinance 9628 provides for reduced property taxes on eligible historic properties, if the owner agrees to maintain and preserve the property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

San Diego County Local Register of Historical Resources, 2002⁹

[http://www.sdcountry.ca.gov/cob/ordinances/index_2002.html]

The San Diego County Local Register's purpose is to develop and maintain, "an authoritative guide to be used by state agencies, private groups, and citizens to identify the County's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects, which are eligible to the National Register or California Register, are automatically included in the San Diego County Local Register.

⁷ Compilation of Ordinance Nos. 7968, 7739, 7685, and 7631.

⁸ Ordinance 9425 and 9628, County Administrative Code §88.6-88.19.

⁹ Ordinance 9493, County Administrative Code §396.7.

San Diego County Historic Site Board, 2000¹⁰

[http://www.sdcounty.ca.gov/cob/ordinances/index_2000.html]

The function of the County of San Diego Historic Site Board (Advisory Body) is to provide decision makers with input regarding cultural resources (archaeological and historic). The Historic Site Board is responsible for reviewing resources seeking participation in the Mills Act and projects with significant cultural resources.

Zoning Ordinance¹¹

[<http://www.sdcounty.ca.gov/dplu/docs/z5000.pdf>]

Sections 5700-5749 of the Zoning Ordinance provide the procedures for landmarking Historic/Archaeological resources with an "H" (Historic) Designator. The application of this designator to a property requires the owner to submit and receive approval by the Department of Planning and Land Use of a site plan for any changes to the exterior of a resource. In addition, it identifies the only situations in which a landmarked resource may be demolished or relocated.

The "J" Designator is reserved for the Julian Historic District. In addition to the requirements of the "H" Designator, "J" Designated properties are referred to the Julian Historic District Architectural Review Board for recommendation.

3.0 ASSESSING THE IMPORTANCE OF CULTURAL RESOURCES

3.1 Applicable Regulations

CEQA contains regulations regarding cultural resources as Historical Resources, Unique Archaeological Sites, and Human Remains. These provisions assist in assessing the importance of cultural resources. Section 15064.5 (a) of the State CEQA Guidelines provides a definition of "Historical Resources; Section 15064.5 (c) contains additional provisions regarding archaeological sites; and Section 15064.5 (d) & (e) contain additional provisions regarding human remains. Native American human remains are addressed in paragraph (d).

Historical Resources (§15064.5 (a))

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social,

¹⁰ Ordinance 9139, County Administrative Code §396.5.

¹¹ §§5700-5749: H Designator, J Designator.

political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resource Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1.

Archaeological Sites (§15064.5 (c))

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Human Remains (§15064.5 (d) & (e))

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American heritage Commission. Action implementing such an agreement is exempt from:

- (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
- (2) The requirement of CEQA and the Coastal Act.

Other regulations must also be considered during the evaluation of cultural resources. Specifically, the County of San Diego's RPO protects significant cultural resources. The RPO defines "Significant Prehistoric or Historic Sites" as follows:

Resource Protection Ordinance (Article II)

Location of past intense human occupation where buried deposits can provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, State, or Federal importance. Such locations shall include, but not be limited to: any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places or the State Landmark Register; or included or eligible for inclusion, but not previously rejected, for the San Diego County Historical Site Board List; any area of past human occupation located on public or private land where important prehistoric or historic activities and/or events occurred; and any location of past or current sacred religious or ceremonial observances protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, and natural rocks or places which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

Determining what is an important cultural resource worth preserving is a subjective and interpretive process; therefore, it is useful to utilize a standard assessment approach to evaluate cultural resources. In order to evaluate cultural resources, a comprehensive assessment must be conducted, including measuring the resource against the above State CEQA Guidelines provisions and criteria established by the National Register of Historic Places, the California Register of Historical Resources, and the San Diego County Register of Historical Resources, and the Resource Protection Ordinance as well as assessing the integrity of the resource.

3.2 Application of Regulations for the Determination of Resource Importance for the County of San Diego

Determining resource importance is a two-step process. First, the cultural environment must be defined. Then the criteria for determining importance must be applied to the resource. The following subchapters provide guidance on this process and detail the cultural environment and criteria that is typically used in evaluating resources.

3.2.1 Defining The Cultural Environment

San Diego County has more than 23,000 recorded sites as of September 2006 and this number continues to grow. The cultural environment consists of the remains of prehistoric and historic human behaviors. When cultural resources have been identified, the cultural environment has been defined and the baseline condition set. Cultural resources include archaeological and historic sites, structures, and objects, as

well as traditional cultural properties. The following is a list of components that can make up the cultural environment.

Building

A building is a resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The Somers-Linden Farmstead (Victorian), the McRae/Albright Ranch House (Victorian), the Holmgren House (Moderne), and the County Administration Center (Spanish Colonial Revival) are examples of buildings in the County of San Diego.

Special consideration should be given to moved buildings, structures, or objects, cultural resources achieving significance within the past fifty (50) years, and reconstructed buildings. Context, time, and original form are integral to historic preservation. However, it is important to recognize resources outside of the required characteristics for the history that they embody.

Moved buildings, structures, or objects – The retention of historical resources on site should be encouraged and the non-historic grouping of historic buildings into parks or districts would be discouraged. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction, and is appropriate in some instances. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

Cultural resources achieving significance within the past fifty (50) years – In order to understand the historical importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered if it can be determined that sufficient time has passed to understand its historical importance.

Reconstructed Buildings – A reconstructed building less than fifty (50) years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices. An example of a reconstructed building is an American Indian sweat lodge.

Site

A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possessed historical, cultural, or archaeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event, and if no buildings, structures, or objects marked it at that time. Examples of such sites are trails, designed and traditional landscapes, battlefields (San Pasqual Battlefield), homestead sites, habitation sites (Village of Pamo), American Indian ceremonial areas (Gregory Mountain), petroglyphs, pictographs, and traditional cultural places.

Structure

The term “structure” is used to describe a construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, flumes, roads, bridges, dams, and tunnels.

Object

The term “object” is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or structure. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or character. Objects that are relocated to a museum are not eligible for listing in the Local Register. Examples of objects include fountains, monuments, maritime resources, sculptures, and boundary markers.

Landscapes and Traditional Cultural Properties

“Landscapes” vary in size from small gardens to national parks. In character, they range from designed to vernacular, rural to urban, and agricultural to industrial. A cultural landscape is a geographic area which, because of a unique and integral relationship between the natural and cultural environments, has been used by people; shaped or modified by human activity, occupation or invention; or is infused with significant value in the belief system of a culture or society. Estate gardens, cemeteries, farms, quarries, mills, nuclear test sites, suburbs, and abandoned settlements, and prehistoric complexes, all may be considered under the broad category of cultural landscapes. Landscapes provide a distinct sense of time and place. Traditional cultural landscapes (Traditional Cultural Properties) can also consist of related archaeological and ethnographic features and places (see below for definition of a prehistoric district).

Prehistoric and Historic Districts

Districts are united geographic entities that contain a concentration of historic buildings, structures, objects, and/or sites united historically, culturally, or architecturally. Districts are defined by precise geographic boundaries; therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. Camp Lockett in Campo is an example of a historic district. The Village of Pamo is an example of a prehistoric Indian rancheria that represents a traditional cultural landscape that could be a district, consisting of the places used and inhabited by a traditional culture. A traditional cultural landscape defined as a district could include a village site, related milling features, stone quarries and lithic tool process areas, ceremonial locations and landmarks, and temporary or seasonal camps. Together, these represent a traditional cultural landscape.

3.2.2 Criteria for the Determination of Resource Importance

A number of criteria are used in identifying significant historic/archaeological resources and are based upon the criteria for inclusion in the San Diego County Local Register. Significance is assigned to districts, sites, buildings, structures, and objects that possess exceptional value or quality illustrating or interpreting the heritage of San Diego County in history, architecture, archaeology, engineering, and culture.

The San Diego County Register was modeled after the California Register. As such, a cultural resource is determined significant if the resource is listed in, or determined to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or the San Diego County Register of Historical Resources. Any resource that is significant at the National or State level is by definition significant at the local level.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources; or is not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or is not identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that a resource may be historical as defined in Public Resources Code section 5020.1(j) or 5024.1.

The following criteria must be considered when evaluating a resource's importance. The first four criteria were derived from the significance criteria found in the California Environmental Quality Act and the San Diego County Register of Historical Resources (Ordinance No.9493; San Diego County Administrative Code §396.7). The San Diego County Register is similar to both the National Register and California Register but is different in that significance is evaluated at the local level.

1. Resources associated with events that have made a significant contribution to the broad patterns of California or San Diego County's history and cultural heritage. Examples include resources associated with the Battle of San Pasqual (Mexican-American War, 1846) or gold mining in the Julian area (1870s), or a Kumeyaay settlement in the Cuyamaca Valley. Each of these resources would be considered significant because it is associated with an event that has made a significant contribution to the broad patterns of San Diego County's history and cultural heritage.
2. Resources associated with the lives of persons important to our past, including the history of San Diego County or its communities. Resources that are associated with the life of George W. Marston (Benefactor/Merchant/Civic Leader), Kate Sessions (Horticulturalist), John D. Spreckels (Investor/Developer), Ellen Browning Scripps (Philanthropist), Ah Quin (Chinese Merchant/Labor Contractor), Manuel O. Medina (Pioneer of the Tuna Industry), Jose Manuel Polton (Hatam [Kumeyaay Captain of the Florida Canyon Village]), or Jose Pedro

Panto (Kumeyaay Captain of the San Pasqual Pueblo) illustrates this criteria because this list identifies examples of individuals that are important to the history of San Diego County or its communities.

3. Resources that embody the distinctive characteristics of a type, period, region (San Diego County), or method of construction, or represents the work of an important creative individual, or possesses high artistic values. Resources representing the work of William Templeton Johnson (Architect – Balboa Park, Serra Museum), Irving Gill (Architect – Bishop’s School), Lilian Rice (Rancho Santa Fe), or Hazel Waterman (Designer – Estudillo Adobe Restoration) would be considered significant because they represent the work of an important creative individual; or if a resource is identified as a Queen Anne, Mission Revival, Craftsman, Spanish Colonial, or Western Ranch Style structure, it would be significant because it embodies the distinctive characteristics of a type or period.
4. Resources that have yielded or may be likely to yield, information important in prehistory or history. Most archaeological resources contain information; however the amount of information varies from resource to resource. For example, a small lithic scatter will contain information, but it will be on a much more limited basis than that of a village or camp site. The information may be captured during initial recordation and testing of the site or may require a full data recovery program or additional treatment/mitigation. **Any site that yields information or has the potential to yield information is considered a significant site.** Most resources will be considered significant because they contain some information that contributes to our knowledge of history or prehistory. The criteria used to evaluate a single resource is the same criteria used to evaluate cumulative impacts to multiple resources outside the boundary of a project.
5. Although districts typically will fall into one of the above four categories, because they are not specifically identified, the following criterion is included which was obtained from the National Register:

Districts are significant resources if they are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture. A traditional cultural landscape is an example of a prehistoric district because individual sites must be considered within the broader context of their association with one another.

6. Resource Protection Ordinance. Cultural resources must be evaluated for both the California Environmental Quality Act as outlined in criteria 1-4 above and the Resource Protection Ordinance pursuant to Article III of the ordinance. Under the Resource Protection Ordinance, cultural resources are considered “RPO”

significant if they meet the definition of a RPO "Significant Prehistoric or Historic Site", as set forth in Section 3.1 above.

7. Human remains are considered "highly sensitive" by the County. As such, human remains require special consideration and treatment. Regulations require that if human remains are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains. The following criterion was included pursuant to the California Environmental Quality Act (§15064.5) and California State Code (PRC5097.98 and HSC7050.5). As such, a resource shall be considered significant if it contains any human remains interred outside of a formal cemetery. Mitigation measures will be developed on a case by case basis by the County archaeologist and the archaeological consultant. In addition, it is of the utmost importance to tribes that human remains be avoided whenever feasible.
8. Integrity is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. The evaluation of integrity is somewhat of a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its historical associations or attributes and context. Resources must retain enough of their historical character or appearance to be recognizable as historical resources and to convey the reasons for their significance. An evaluation of integrity is an essential part of determining significance for historical resources such as building, structures, and districts.

Integrity is evaluated through the assessment of a cultural resource's attributes, and may include location, design, setting, materials, workmanship, feeling, and association. It must be judged with reference to the particular criteria under which a resource is proposed for eligibility (structural, architectural, artistic, historic location, archaeological site, historic district). Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

Attributes - Attributes are those distinctive features that characterize a resource. They should be evaluated and compared to other properties of its type, period, or method of construction.

Location - Location is the place where the property was constructed or the place where the historical event occurred. The actual location of an historical property, complemented by its setting, is particularly important in recapturing the sense of historical events and persons.

Design - Design is the combination of elements that create the historical form, plan, space, structure, and style of a property. This includes such elements

as organization of space, proportion, scale, technology, ornamentation, and materials. Design can also apply to districts and to the historical way in which the buildings, sites, or structures are related. Examples include spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archaeological sites.

Setting - Setting is the physical environment of an historical property. It refers to the historical character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its historical relationship to surrounding features and open space. The physical features that constitute the historical setting of an historical property can be either natural or manmade and include such elements as topographical features, vegetation, simple manmade paths or fences and the relationships between buildings and other features or open spaces.

Materials - Materials are the physical elements that were present during the development period and are still present or, if materials have been replaced, the replacement(s) must have been based on the original. The property must be an actual historical resource, not a re-creation. For example, a Victorian style wood-frame dwelling that has been covered with reconstructed stucco has lost its integrity of materials. Conversely, an adobe wall that has been reconstructed with similar adobe mud, as opposed to adobe-simulate concrete, would retain its integrity of materials.

Workmanship - Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. It is the evidence of the artisans' labor and skill in constructing or altering a building, structure, object, or site. It may be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in precontact contexts include pottery, stone tools, basketry, rock art, bedrock milling, and stone structures.

To assess integrity one must:

- Define essential physical features that must be present to a high degree for a property to represent its significance;
- Determine whether the essential physical features are apparent enough to convey the property's significance; and
- Compare the property with similar properties in the locally significant theme.

A property that is significant for its historical association should retain the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site where there are no material cultural remains, such as a battlefield, the setting must be intact. If the historical building associated with the event, pattern, or person no longer exists, the property has lost its historical integrity.

A property important for illustrating a particular architectural style or construction technique must retain the physical features that constitute that style or technique. A property that has lost some historical materials or details can be considered if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. A property should not be considered if it retains some basic features conveying massing, but has lost the majority of the features that once characterized its style. Normally changes to a structure that are reversible will not affect integrity because they will be less than significant.

Properties being considered for the first five criteria above must not only retain the essential physical features, but the features must be visible enough to convey their significance and historical identity. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archaeological properties are the exception to this – by nature they may not require visible features to convey their significance.

Unless a resource is determined to be “not significant” based on the above criteria, it will be considered a significant resource. If it is agreed to forego significance testing on cultural sites, the sites will be treated as significant resources and must be preserved through project design. In addition, a treatment plan must be prepared that will include preservation of cultural resources.

4.0 DETERMINING THE SEVERITY OF IMPACTS TO CULTURAL RESOURCES

4.1 Typical Adverse Effects

Significant cultural resources are non-renewable; therefore, cannot be replaced. The disturbance or alteration of a cultural resource causes an irreversible loss of significant information. Regionally, the loss of cultural resources results in the loss of our identity and our connection with the past. More specifically, these losses include the demolition, destruction, relocation, or the material alteration of a cultural resource or its immediate surroundings such that the significance of a cultural resource would be materially impaired. Typical impacts to cultural resources include:

- The non-scientific surface collection or subsurface excavation of an archaeological site (e.g. pot hunting).
- The destruction of cultural resources through project development (e.g. grading, clearing, demolition, trenching, road and utility construction, staging areas).
- The destruction of cultural resources through off-site improvements (e.g. road construction, utilities expansion, staging areas) associated with project development.
- An increase in development intensity which adversely affects cultural sites or landscapes (e.g. placement of a subdivision within a vacant parcel adjacent to/or surrounding a cultural resource where behavior patterns occur beyond the boundaries of a site).
- The introduction of visual, audible, or atmospheric effects that are out of character with the cultural resource or alter its setting when the setting contributes to the resources' significance (e.g. the construction of a large-scale building, structure, or object that has the potential to cast shadows patterns on a historic structure, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns).
- Damage to cultural resources or landscapes by human encroachment resulting in vandalism or site destruction (e.g. graffiti).
- Development within a designated buffer zone of an archaeological site.
- The relocation of a historic structure such that its significance is reduced to a level whereby the resource no longer is considered significant.
- Modifications (e.g. remodeling, alteration, addition, demolition) to a historic resource that is not in conformance with the Secretary of Interior Standards (See Attachment A).
- A change in use that is not compatible with the authenticity of a resource (e.g. the use of a historic house as a dollar retail store).
- Development that changes the significance of a historic structure or the surrounding historic landscape .
- Deterioration of a resource by neglect.

There are two types (direct, indirect) of typical adverse effects that occur in relation to cultural resources. Direct impacts are caused by and are immediately related to a project. Indirect impacts are not immediately related to the project, but they are

caused indirectly by a project. An indirect impact is to be considered only if it is a reasonably foreseeable impact that may be caused by the project. An example of an indirect impact would be the placement of trails in open space which has the potential to impact cultural resources indirectly through the surface collection of artifacts by hikers.

4.2 Guidelines for Determining Impact Significance

Section 15064.5(b) of the State CEQA Guidelines identifies an adverse environmental impact to historical resources as:

Substantial Adverse Environmental Impact

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

As discussed in these Guidelines, any of the following will be considered a potentially significant environmental impact to cultural resources:

- 1. The project causes a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of Interior Standards.***
- 2. The project causes a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological***

site that contains or has the potential to contain information important to history or prehistory.

- 3. The project disturbs any human remains, including those interred outside of formal cemeteries.***
- 4. The project proposes activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources.***

The Guidelines listed above have been selected for the following reasons:

Guidelines 1 and 2 are derived directly from CEQA. Sections 21083.2 of CEQA and 15064.5 of the State CEQA Guidelines recommend evaluating historical and archaeological resources to determine whether or not a proposed action would have a significant effect on unique historical or archaeological resources. Guideline 3 is included because human remains must be treated with dignity and respect and CEQA requires consultation with the "Most Likely Descendant" as identified by the Native American Heritage Commission (NAHC) for any project in which human remains have been identified.

Guideline 4 was selected because the Resource Protection Ordinance requires that cultural resources be considered when assessing environmental impacts. Any project that would have an adverse impact (direct, indirect, cumulative) on significant cultural resources as defined by this Guideline would be considered a significant impact. The only exemption is scientific investigation.

All discretionary projects are required to be in conformance with applicable County standards related to cultural resources, including the noted RPO criteria on prehistoric and historic sites, as well as requirements listed in the Zoning Ordinance, General Plan, and the Grading, Clearing and Watercourses Ordinance (§87.429). Non-compliance would result in a project that is inconsistent with County standards

5.0 STANDARD MITIGATION AND DESIGN CONSIDERATIONS

Cultural resource mitigation measures and design considerations used in the planning and land use approval process depend on the specifics of a project under consideration. The primary goal of cultural resource mitigation and design considerations is the avoidance, preservation, data recovery, and curation of significant cultural resources, thereby preserving what would otherwise be destroyed and lost due to construction and development activities.

The ideal treatment for cultural resources is avoidance of impacts. Avoidance measures can be incorporated into project design. If it can be demonstrated that a project will cause damage to a significant cultural resource, reasonable efforts must be made to mitigate the impact to a level below significant. Mitigation measures identified by CEQA (§21083.2) and the State CEQA Guidelines (§15064.5) include the following:

§21083.2:

Mitigation

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid cultural resources.
- (2) Deeding cultural resources into permanent conservation easements.
- (3) Capping or covering cultural resources with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (e) Excavation as mitigation shall be restricted to those parts of the unique cultural resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines the testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

Note: This mitigation would not be appropriate for RPO significant sites. Sites determined RPO significant must be placed in open space.

§15064.5

Mitigation

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

Accidental Discovery of Human Remains

(f) In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(g) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendent identified fails to make a recommendation; or

(C) The landowner or his authorized representative reject the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Accidental Discovery of Historical or Unique Archaeological Resources

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue in other parts of the building site while historical or unique archaeological resource mitigation takes place.

Mitigation measures are required when a significant cultural resource or the potential for a cultural resource to be present is identified. Any cultural resource that is determined to be RPO significant can only be mitigated as noted above, through site preservation. Mitigation is based upon the importance of a resource. Table 2 lists typical measures used to mitigate impacts to cultural sites.

Table 2
Typical Mitigation Measures/Conditions

Resource Type	Typical Mitigation Applied to Reduce Impacts to Below Significant
Archaeological Resources	Avoidance
	Archaeological Open Space Easement
	Data Recovery
	Temporary Fencing
	Site Capping
	Staging Area Limitation for Construction Activities
	Curation of Archaeological Collections ¹²
	Cultural Impact Fee
	Grading Monitoring (incl Native American Monitor)
	Public Displays/Media
Built Environment	Avoidance
	Historic Conservation Easement
	Historic Landscape Screening Plan
	Use, Maintenance, and Repair Easement
	Setback Easement for Lots Adjacent to a Historic Structure
	Historic Landscape Tree Preservation
	Historic Structure Rehabilitation Program
	Regulations of Uses in a Historic Structure
	Curation of Historic Collections ²
	Staging Area Limitation for Construction Activities
	Grading Monitoring
	Landmarking
	Public Displays/Media
	HABS/HAER Documentation

¹² State guidance is provided by CEQA Guidelines §15126.4.

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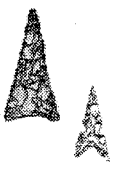
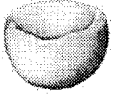



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Table 1
Terminology for Culture History in the San Diego Area

Gallegos 2002

Geologic Time	Period	Years Before Present	Other Names	Diagnostic Cultural Material
Late Holocene	Late Period ↕	Present	Historic/Contact Precontact/Yuman Kumeyaay/Luiseno Cuyamaca Complex San Luis Rey I, II 	Bow-and-arrow, small triangular and side-notched points, cremations, fish hooks, ceramics, Obsidian Butte obsidian
		1300		
Middle Holocene	Early Period (Archaic) ↑	2,000		Stone bowls, triangular points, fishing gorges, burials
		3,000 4,000 5,000 6,000	 Pauma Complex Encinitas Tradition La Jolla Complex	Dart and atlatl, cogged stones, plummet stones, leaf-shaped points/knives, corner-notched and stemmed points, Coso Obsidian, burials
Early Holocene	↓	7,000 8,000 9,000 10,000	 San Dieguito Tradition/Complex 	Spear, crescents, lanceolate and leaf-shaped points, leaf shaped knives, Casa Diablo and Coso Obsidian, burials

Attachment A

REGULATIONS AND STANDARDS

Federal Regulations and Standards

American Antiquities Act of 1906 [16 USC §431-433;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_1_20_LXI.html]

The Federal Antiquities Act of 1906 states that the government, acting for the people, should protect archaeological and historical sites and any object of antiquity, and preserve them for public availability. It forbids the disturbance of objects of antiquity on federal lands without a permit issued by the responsible agency. This Act established criminal sanctions for the unauthorized use or destruction of antiquities.

Historic Sites, Buildings, Objects, and Antiquities Act of 1935 [16 USC §461-467;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_1A_20_I.html]

The Historic Sites Act of 1935 states that it is the national policy to preserve for the public use historic sites, properties, buildings, and objects of national significance. It gives the National Park Services (NPS) (through the Secretary of the Interior) broad powers to execute this policy, including criminal sanctions, on both federal and non-federal lands. This Act also set up an advisory board to aid the Secretary of the Interior in implementing this Act.

Reservoir Salvage Act of 1960 [16 USC §469-469c;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000469----000-.html]

The Reservoir Act of 1960 requires the Secretary of the Interior to institute an archaeological salvage program in connection with federally funded reservoir programs requiring the responsible agencies to comply with this program.

Department of Transportation Act of 1966 [49 USC §303;
http://www4.law.cornell.edu/uscode/html/uscode49/usc_sec_49_00000303----000-.html]

The Department of Transportation Act of 1966 requires the Secretary of Transportation to cooperate and consult with the Secretaries of Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities. The Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife refuge of National, State, or local significance, or land of an historic site of National, State, or local significance only if (1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

National Historic Preservation Act (NHPA) of 1966 [16 USC §470 et seq.;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000470----000-.html]

Section 106 of the National Historic Preservation Act establishes a consultation process which is intended to provide for historic preservation concerns with the needs of Federal endeavors. The Section 106 process only applies to projects involving Federal land, funds or permits. It requires a Federal Agency with jurisdiction over a Federal, federally assisted, or federally licensed endeavor to take into account the effects of the agency's endeavor on properties included in or eligible for the National Register. The process requires that prior to approval of an endeavor, the Advisory Council on Historic Preservation be provided a reasonable opportunity to comment on the project. Consulting parties are the primary participants in this process and may include Federal Agencies, the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation and other interested persons (local governments, applicants, Native American individuals and groups, and the general public). This process requires that Federal Agencies to the maximum extent possible undertake planning actions as may be necessary to minimize harm to any National Historic Landmark that may be directly or adversely impacted by an endeavor.

National Environmental Policy Act (NEPA) of 1969 [42 USC §4321;
http://www4.law.cornell.edu/uscode/html/uscode42/usc_sup_01_42_10_55.html]

The National Environmental Policy Act of 1969 requires that cultural resources be considered in assessing the environmental impact of proposed federal projects.

Archaeological and Historical Preservation Act of 1974 [16 USC §469-469c;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000469----000-.html]

The Archaeological and Historical Preservation Act of 1974 amends the Reservoir Salvage Act of 1960 to include all federal programs, which may impact cultural resources. It authorizes expenditure of program funds for salvage projects, and requires the Secretary of the Interior to report annually to Congress on the effectiveness of the program.

Federal Land Policy and Management Act of 1976 [43 USC §35;
http://www4.law.cornell.edu/uscode/html/uscode43/usc_sup_01_43_10_35.html]

The Federal Land Policy and Management Act of 1976 directs the Bureau of Land Management (BLM) to manage lands on the basis of multiple use in a manner that will protect the quality of scientific, historical, and archaeological values. It provides guidelines for the acquisition and management of these resources.

American Indian Religious Freedom Act of 1978 [42 USC §1996 and §1996a;
http://www4.law.cornell.edu/uscode/html/uscode42/usc_sup_01_42_10_21_20_1.html]

The American Religious Freedom Act of 1978 states that it is the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian including access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

Archaeological Resources Protection Act of 1979 [16 USC §470aa-mm;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_1B.html]

The Archaeological Resources Protection Act of 1979 prohibits the unauthorized excavation, removal, or damage of archaeological resources on federal and Indian lands, and provides penalties for violators.

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)
[25 USC §3001-3013; http://www4.law.cornell.edu/uscode/html/uscode25/usc_sup_01_25_10_32.html]

The Native American Graves Protection and Repatriation Act of 1990 conveys to American Indians, of demonstrated lineal descent, human remains and funerary or religious items that are held by federal agencies and federally-supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains, "whether or not they derive from federal or Indian lands, illegal."

Intermodal Surface Transportation Efficiency Act of 1991 [23 USC §101, 109;
http://www4.law.cornell.edu/uscode/html/uscode23/usc_sup_01_23_10_1_20_1.html]

The Intermodal Surface Transportation Efficiency Act of 1991 allows the Secretary of Transportation to approve a project for the National Highway System if the project is designed to (1) allow for the preservation of environmental, scenic, or historic values; and (2) ensure safe use of the facility.

American Battlefield Protection Act of 1996 [16 USC 469k;
http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000469---k000-.html]

The purpose of the American Battlefield Protection Act of 1996 is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

National Historic Landmarks Program, 1982 [36 CFR 65;
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title36/36cfr65_main_02.tpl]

The purpose of the National Historic Landmarks Program is to identify and designate National Historic Landmarks, and encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. These regulations set forth the criteria for establishing national significance and the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program.

Protection of Historic Properties, 1986 [36 CFR 800;

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

Protection of Archaeological Resources, 1996 [43 CFR 7;

<http://ecfr.gpoaccess.gov/cgi/>

These regulations implement provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.

Executive Order 11593 of May 13, 1971 – Protection and Enhancement of the Cultural Environment; Richard M. Nixon [36 FR 8921;

<http://archnet.asu.edu/Topical/CRM/USdocs/execord.htm>

Executive Order 11593 states that the federal government shall provide leadership in preserving, restoring, and maintaining the historic and cultural environment. It specifies that all federal agencies shall institute inventories for historic and archaeological sites, and shall provide for their protection as specified by the Historic Preservation Act of 1966.

Executive Order 12072 of August 16, 1978– Federal Space Management; Jimmy Carter [43 FR 36869; <http://www.archives.gov/federal-register/codification/executive-order/12072.html?template=print>]

Executive Order 12072 requires the consideration of cultural resources of all kinds in the context of urban centers. This order directs agencies to give priority to siting their activities in central business areas (CBAs). It requires that both the positive and negative cultural effects be considered.

Executive Order 13006 of May 21, 1996 - Locating Federal Facilities on Historic Properties in Our Nation's Central Cities; William J. Clinton [61 FR 26071; <http://www.cr.nps.gov/local-law/eo13006.htm>]

Executive Order 13006 requires agencies to give priority consideration to using historic buildings in historic districts in central business areas (CBAs).

Executive Order 13007 of May 24, 1996 - Indian Sacred Sites; William J. Clinton [61 FR 26771; <http://www.cr.nps.gov/local-law/eo13007.htm>]

Executive Order 13007 requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands to accommodate access to, and ceremonial use of Indian Sacred Sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such places.

Executive Order 13175 of November 6, 2000 - Government to Government Consultation; William J. Clinton [65 FR 67249; <http://www.epa.gov/fedrastr/eo/eo13175.htm>]

Executive Order 13175 requires Government to Government (Federal to Indian Tribes) consultation when policies are formulated and undertaken that will have tribal implications. The consultation is to include whether to establish Federal standards or any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 1983 [48 FR 44716; http://www.cr.nps.gov/local-law/arch_stnds_0.htm]

Preservation planning is a process that organizes preservation activities (identification, evaluation, registration and treatment of historic properties) in a logical sequence. The purpose of the Standards are (1) to organize the information gathered about preservation activities; (2) to describe results to be achieved by Federal agencies, States, and others when planning for the identification, evaluation, registration and treatment of historic properties; and (3) to integrate the diverse efforts of many entities performing historic preservation into a systematic effort to preserve our nation's culture heritage. Local governments wishing to establish a comprehensive approach to the identification, evaluation, registration and treatment of historic properties within their jurisdictions should use these standards and guidelines.

The Secretary of Interior's Standards for Rehabilitation, 1986 [36 CFR 67; <http://www2.cr.nps.gov/tps/tax/rehabstandards.htm>]

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995 [36 CFR 68;

http://www.cr.nps.gov/hps/tps/standguide/overview/using_standguide.htm]

The Secretary of the Interior's Standards for the Treatment of Historic Properties were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

State Regulations and Standards

California Native American Graves Protection and Repatriation Act of 2001

[AB 978, HSC §8010-8030;

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20>]

The California Native American Graves Protection and Repatriation Act of 2001 conveys to American Indians, of demonstrated lineal descent, human remains and funerary items that are held by state agencies and museums.

Guidelines for the Curation of Archaeological Collections, 1993 [

These guidelines pertain to collections that are excavated or removed from prehistoric or archaeological sites on non-federal public and private land in the State of California in connection with a local governmental agency permit or application for approval. Data generated during the study, excavation, and creation of the collection are considered part of the collection. Archaeological collections and their associated records that are created by compliance with state environmental laws, regulations, and guidelines must be housed at qualified repositories that have the capability to ensure adequate permanent storage, security, and ready access to qualified users.

Historical Resources [PRC §5020-5029;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5020-5029.5>]

PRC Section 5020-5029 details the duties of the State Historic Preservation Officer and the State Historical Resources Commission. Two categories (Registered Historical Landmark; Registered Point of Historical Interest) of designation are identified and sign requirements for each are detailed. In addition, State Agencies are to formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction listed in or potentially eligible for inclusion in the National Register of Historic Places or registered or eligible for registration as a state historical landmark. Furthermore, details on the listing to the California Register of Historical Resources is discussed to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

State Landmarks [PRC §5031-5033;

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20>

PRC Section 5031-5033 outlines the characteristics of a "Qualified Historical Property". Qualified properties include (1) individual sites having structures; (2) facades or portions of entire sites; and (3) historic districts if they are (A) the first, last, only, or most significant historical property of its type in the region; or (B) associated with an individual or group having a profound influence on the history of California; or (C) a prototype of, or an outstanding example of, a period, style, architectural movement, or construction, or if it is one of the more notable works, or the best surviving work, in a region of a pioneer architect, designer, or master builder; or (D) A property which is listed on the national register; (E) a property which is listed on a city or county register or inventory of historical or architecturally significant sites, places or landmarks, provided, that such property satisfies any of the requirements of A, B, or C above. "Qualified historical property" does not include individual sites without structures. A commercial operation in itself does not necessarily disqualify a landmark's registration. However, should a commercial enterprise by its physical development plans, or its proximity, impact, excessive use, or management philosophy so dilute or erode the significance of or quality of the landmark's integrity, then an adverse effect shall have occurred and its registration may be withdrawn.

California Heritage Fund [PRC §5079-5079.65;

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20>

PRC Section 5079-5079.65 outlines the appropriate uses of the California Heritage Fund. The fund shall be available, upon appropriation by the Legislature, to implement laws providing for historical resource preservation, including, but not limited to, Section 5028 and Executive Order W-26-92, under criteria developed by the Office of Historic Preservation and adopted by the State Historical Resources Commission.

Archaeological, Paleontological and Historical Sites [PRC §5097-5097.6;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5097-5097.6>

PRC Section 5097-5097.6 outlines the requirements for cultural resource analysis prior to the commencement of any construction project on State Lands. The State Agency proposing the project may conduct the cultural resource analysis or they may contract with the State Department of Parks and Recreation. In addition, this section identifies that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and provides for criminal sanctions. Amended in 1987 to require consultation with the California Native American Heritage Commission whenever American Indian Graves are found. Violations for the taking or possessing remains or artifacts are felonies.

Native American Heritage [PRC §5097.9-5097.991;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5097.9-5097.991>

PRC Section 5097.9-5097.991 identifies that no public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of American Indian religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any American Indian sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. In addition this section details the composition and responsibilities of the Native American Heritage Commission.

California Main Street Program [GC §15399-15399.8;

http://www.commerce.ca.gov/state/ttca/ttca_htmldisplay.asp?path=Business+%26+Community+Resources&childPath=null&sFilePath=/ttca/detail/D_BCR_RHTML_MainStreet.html&sTableName=TTCA_NAV

GC Section 15399-15399.8 establishes the California Main Street Program to provide technical assistance and training for small cities' government, business organizations, and merchants and property owners to accomplish community and economic revitalization and development of older central business districts and neighborhoods. The techniques developed by the National Trust of Historic Preservation's Main Street Center are to be used to stimulate business reinvestment, restore building facades, retain existing small businesses, strengthen the local tax base, create employment opportunities, promote new businesses in downtown areas, and help to create a renewed sense of community pride.

Local Government [GC §25373 & §27288.2;

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov&codebody=&hits=20>

GC Section 25373 gives authority to local Governments (Board of Supervisors) to acquire property for the preservation or development of a historical landmark. In addition, local Governments (Board of Supervisors) may by ordinance, provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value.

GC Section 27288.2 requires the county recorder to record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

Mills Act – Historical Property Contracts [GC §50280-50290;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=50001-51000&file=50280-50290>]

GC Section 50280-50290 grants local governments the authority to directly implement an historic preservation program. This legislation provides for reduced property taxes on eligible historic properties if the owner agrees to maintain and preserve the property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

Hazardous Buildings [HSC §17922.2;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=17001-18000&file=17920-17927>]

HSC Section 17922.2 requires that potentially hazardous buildings be strengthened according to subdivision (b) of Section 8875.2 of the Government Code, and shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions. Local conditions are limited to those conditions that affect the implementation of seismic strengthening standards on the following: (1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)); and (2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.

State Historic Building Code [HSC §18950-18961;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=18001-19000&file=18950-18961>]

HSC Section 18950-18961 provides alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

Conservation Easements [CC §815-816;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=00001-01000&file=815-816>]

CC Section 815-816 outlines what a conservation easement is and who may acquire and hold the conservation easement. Public policy encourages the voluntary conveyance of conservation easements to qualified nonprofit organizations whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use or to the state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed.

Historic Property Restriction [RTC §439-439.4;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=00001-01000&file=439-439.4>]

RTC Section 439-439.4 outlines the method that the County Tax Assessor shall use when valuing historical properties that have entered into a Mills Act Contract. In addition, the method of valuation of a property during the non-renewal process is also identified.

Destruction of Historical Properties [Title 14, Part 1; PC §622 ½;

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=594-625c>]

The California Penal Code provides that any person, not the owner thereof, who willingly destroys or injures objects of archaeological or historical value, whether on public or private land, is guilty of a misdemeanor.

<http://www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#arch>



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COUNTY OF SAN DIEGO

REPORT FORMAT AND CONTENT REQUIREMENTS

CULTURAL RESOURCES:

ARCHAEOLOGICAL AND HISTORIC RESOURCES



LAND USE AND ENVIRONMENT GROUP

Department of Planning and Land Use
Department of Public Works

September 26, 2006

PURPOSE

These Cultural Resources Report Format and Content Requirements provide guidance on conducting cultural resource surveys and preparing reports for discretionary projects being processed by the Land Use and Environment Group. These guidelines are designed to:

1. Ensure the quality, accuracy and completeness of cultural resource surveys and reports.
2. Aid in staff's efficient and consistent review of maps and documents from different consultants.
3. Provide adequate information to make appropriate planning decisions and to make determinations regarding conformance with applicable regulations.
4. Increase the efficiency of the environmental review process and avoid unnecessary time delays.

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1.0 INTRODUCTION

This document guides consultants in the environmental review of cultural resources located within the jurisdiction of the County of San Diego and in the preparation of technical studies. These requirements apply to both archaeological and historic resources. They were based on the Archaeological Resource Management Report (ARMR) format and content guidelines developed by the California Office of Historic Preservation (1990) and the Historical Resources Guidelines developed by the City of San Diego (2001). The intent of these guidelines is to ensure consistency in the management of cultural resources including identification, evaluation, and preservation and/or mitigation.

2.0 DEVELOPMENT REVIEW

The following sections provide guidance on the development review of projects when cultural resources are present or have a high probability to be present. For purposes of this document, historic resources are defined as the “built environment” and are non-archaeological in nature. Archaeological resources are defined as the surface and subsurface remains of sites no longer in use or maintained in which evidence of past activity is preserved (Native American and European).

2.1 Consultants

Consultants (Principal Investigator) must be approved to work on development projects within the jurisdiction of the County. Any report submitted where the Principal Investigator is not an approved consultant will not be reviewed and will be rejected as incomplete. See County CEQA Guidelines for CEQA Consultant List Placement.

2.2 Native American Participation

Native American involvement in development projects is required and consists of consultation and monitoring.

2.2.1 Consultation

Consultation is required pursuant to Section 65352.3 of the Government Code (Senate Bill 18 [2004]). This is a government to government consultation and the County is responsible for conducting the consultation. This regulation requires that consultation take place for any project that involves a General Plan Amendment, Specific Plan, or Specific Plan Amendment. Consultation may include but is not limited to written correspondence (letters, e-mails) and formal meetings. Additionally, the County consults with Native American groups outside of the requirements of SB-18. Specifically, the County conducts consultations for projects that have a positive finding for the presence of cultural resources, but are not associated with a General Plan Amendment, Specific Plan, or Specific Plan Amendment. Consultants are to be provided with a copy of the correspondence and any agreements made between local Native American groups, the applicant, and the County for inclusion in cultural resource studies.

2.2.2 Monitoring

A Native American monitor (monitor) is required for surface and subsurface investigations (survey, significance testing, and data recovery). Additionally, a monitor is required to be present for any grading monitoring for the potential presence of cultural resources. The monitor shall be consulted during the investigations. Native American groups shall be given a minimum notice of two weeks that a monitor is required. If a monitor is not available, work may continue without the monitor. The Principal Investigator shall include in the report any concerns or comments that the monitor has regarding the project and shall include as an appendix any written correspondence or reports prepared by the monitor.

2.3 Development Review Process

The development review process consists of identifying cultural resources within the boundaries of the project, including any off-site improvements associated with the project. This section provides guidance as to the County's expectations regarding project design and how a typical cultural resource investigation is to be conducted.

2.3.1 Project Design

CEQA (§21083.2b) requires that reasonable efforts be made to preserve important cultural resources in place; therefore project design is essential to achieving this goal. The design of a project should incorporate cultural resources into open space whenever possible. If the project proponent, consultant, and County Staff agree to waive significance testing on cultural sites, those resources will be treated as significant (both CEQA and RPO) and must be preserved through project design.

2.3.2 Surveys

County staff will make a determination based on available information (maps, aerial photos, cultural reports, site visits, and CHRIS data) at project scoping as to whether a development project requires a survey. If a site specific survey is required, it shall be conducted in such a manner as to determine the absence or presence of cultural resources. Based on project design and the results of the survey, staff will determine whether significance testing is required.

No Prior Survey

Projects that have not been previously surveyed require a surface investigation (survey). For projects under 10 acres, staff will determine whether a County archaeologist or consultant will survey the project. The determination will be made based on staff availability. Projects over 10 acres are to be surveyed by a County approved consultant.

Prior Survey

Projects with a prior survey that is 5 years old or less may use the previous study. However, an addendum to the prior survey must be completed that includes the following: (1) updates all graphics to the current development project; (2) discusses any change in interpretation, impacts, or mitigation; and (3) identifies changes in circumstances or new information of substantial importance that cause one or more effects to cultural resources. In addition, the addendum should identify whether cultural material was collected as part of the previous survey, and if so identify the location of the collection. Projects will be conditioned with the requirement of curation for any collection associated with prior studies that have not been curated.

Negative Survey

Negative surveys do not require a full cultural resources report. Instead a letter report is acceptable. Attachment C provides an example of an acceptable negative letter report. Negative reports must be submitted to the South Coastal Information Center.

Positive Survey

Investigations that are positive must prepare a “full” cultural resources survey report. The survey report must address CEQA and RPO significance criteria and define the boundaries of sites. If resources extend off-site, they must be mapped and discussed. Direct and indirect impacts that result from the implementation of the proposed project must be identified and evaluated. See chapter 3.0 for format and general guidance for the preparation of cultural technical studies.

2.3.3 Resource Evaluation

Resource evaluation is required when new resources are identified as a result of a survey. In addition, any previously recorded resources that have not been previously assessed that are relocated during a survey must be evaluated. Assessments are not required for resources that have been evaluated for CEQA or RPO significance in the past five years and there has been no change in the conditions which contributed to the determination of resource importance. Resource evaluation is also not required when significance is assumed in the absence of testing and the resources are placed in open space. However, resources that are placed in open space are to be indexed to identify what is being preserved and how best to manage the resource. In addition, site boundaries for these resources must be defined to determine whether they extend beyond the area designated for open space. Resources should be re-evaluated if their condition or setting has improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources.

Resource evaluation includes determining resource importance, assessing project impacts, identifying appropriate mitigation measures, and the significance of impacts after implementation of mitigation. The following sections outline and provide guidance for these topics.

Resource Importance

Resource importance is evaluated through the use of field surveys, subsurface testing, lab analysis, or any other tools used by the archaeologist/historian. A determination of "Important" or "Not Important" must be made for each resource assessed. Evidence must be provided to substantiate (a) the cultural or scientific significance, (b) the boundaries of the resource(s), and (c) the traditional importance to Native American communities which shall include consultation with Native American monitors. The County discourages the use of "Potentially Important". The use of this term places a resource into a gray area that may result in the loss of resource protection. Subchapter 3.2.2 of the Guidelines for Determining Significance provides the criteria for evaluating resource importance.

Resources Determined "Important"

Cultural resources determined "Important" shall be discussed in the technical study. The severity of project impacts must be described and mitigation measures must be proposed that reduce project impacts to a level below significant. Cultural resources that yield information or have the potential to yield information are considered "Important" resources. Data and information collected from sites that yield information must be archived and curated.

Resources Determined "Not Important"

Resources determined "Not Important" must be discussed in the technical study. The County identifies artifact isolates as the only resource type that should be placed in this category. Resources in this category will require no work beyond documentation of the resources and inclusion in the survey and assessment report. This information is to be archived at a local repository.

Impact Assessment

The assessment of project impacts is required to determine appropriate mitigation measures and/or design considerations. Impacts are defined as those changes to the environment that will occur as the result of the implementation of a project. Impact assessment (Area of Potential Effect [APE]) varies different types of discretionary permits. As such, this assessment must take into consideration the type of permit being requested. Projects with multiple permits should use the most impactful permit for the analysis.

Impact assessment is based on the APE. In order to identify and define the severity of impacts, the APE must be established as discussed above. Once the APE is defined and the cultural resources are evaluated for importance, only then can impact assessment take place. Impact assessment must identify direct, indirect and cumulative impacts.

If a cultural resource is determined to be "Not Important", both the resource and the project impacts upon it must be discussed in the technical study but will not be considered further in the environmental review process.

Mitigation Strategies

Impacts to cultural resources are impossible to reverse; therefore it is important to select the appropriate mitigation that will provide the greatest amount of preservation and/or protection. Mitigation is used to reduce project impacts to a level below significant. The County requires that preservation of cultural resources be considered as the first choice of mitigation in lieu of other methods. Mitigation measures/design considerations are identified in Table 1 of the Guidelines for the Determination of Significance and a listing of typical condition language is included in Attachment E. Mitigation strategies proposed in the report should provide the general concept being proposed and should not be the actual condition verbatim. The following is a discussion of mitigation strategies that includes both project design and mitigation measures.

Project Design

Project design unlike mitigation measures builds protective measures into the development plan. The best examples of this are the inclusion of open space into a project design, special setback easements for lots adjacent to historic resources, and the identification of staging areas for construction equipment. Although these types of measures protect resources through design, these measures must still be included in the conditions for project approval.

Mitigation Measures

Mitigation must be proposed for any project that impacts important cultural resources. The determination of mitigation measures is based on resource significance (CEQA, RPO), and the type (direct, indirect, cumulative) and severity of the impact. The focus of mitigation is the preservation, data recovery, and curation of the information that these resources contain that would otherwise be destroyed or lost due to construction and development activities.

Mitigation may include measures when resources are not identified but whose presence is reasonably suspected. For example, grading monitoring may be required when resources are present or suspected to be present on a project site. Mitigation may also require measures to protect off-site resources even though the project does not propose development in that area. For example, a project proposes development adjacent to a known archaeological site (no development within the site boundaries). To mitigate for potential impacts to this resource, grading monitoring and temporary fencing would be made a condition of project approval.

Note: The County does not normally consider HABS/HAER documentation alone as adequate mitigation for the destruction of significant historic resources (structures). In the case of *Architectural Heritage Association v. County of Monterey*, 122 Cal.App.4th 1095 (2004), it was found that "archival documentation cannot normally reduce destruction of an historic resource to an insignificant level." Also in the case of *League Protection of Oakland*, 52 Cal.App.4th 896 (1997), the Court of Appeal held that the historic resources of the building to be demolished "normally cannot be adequately replaced by reports and commemorative markers." Therefore, documentation is not a feasible mitigation measure for the loss of these resources.

2.3.4 Report Preparation

Reports (Resource Evaluation, Grading Monitoring) shall be prepared by qualified professionals identified on the County's List of Approved Consultants. The report shall be prepared by the criteria set forth in this document and shall be tailored to the resource(s) under evaluation (e.g., archaeological, historic, traditional cultural property, rural landscape, district). The criteria set forth in Chapter 3.0 of this document shall be used by the County to review cultural studies.

2.3.5 Sacred Lands Check

Consultants are to conduct a record search with the Native American Heritage Commission (NAHC) for any project that they survey or test to determine the absence/presence of Sacred Lands. In addition, local Native American groups should be consulted. Sacred Lands have a high probability of placement in the Resource Protection Ordinance (RPO) Significance category, and as such must be evaluated for importance. Note: Not all Sacred Lands are listed with the NAHC.

2.3.6 Human Remains

Human remains require special handling, and must be treated with appropriate dignity. Specific actions must take place pursuant to CEQA Guidelines §15064.5e, Public Resource Code (PRC) §5097.98, and §87.429 of the County of San Diego Grading, Clearing, and Watercourses Ordinance.

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following procedures shall be followed:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. A County Official is contacted.
 - b. The County Coroner is contacted to determine that no investigation of the cause of death is required, and
 - c. If the Coroner determines the remains are Native American:
 - i. The Coroner shall contact the Native American Heritage Commission (Commission) within 24 hours.
 - ii. The Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - iii. The Most Likely Descendent (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for the treatment of human remains and any associated grave goods as provided in PRC §5097.98.

2. Under the following conditions, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods on the property in a location not subject to further disturbance:
 - a. The Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission.
 - b. The MLD identified fails to make a recommendation; or
 - c. The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the Commission fails to provide measures acceptable to the land owner.
3. Any time human remains are encountered or suspected, the project site may require a ground penetrating radar survey. The decision will be made through consultation between the County Archaeologist, the Project Archaeologist, and the Native American Monitor.
4. Because human remains require special consideration and handling, they must be defined in a broad sense. For the purposes of this document, human remains are defined as:
 - a. Cremations including the soil surrounding the deposit.
 - b. Interments including the soil surrounding the deposit.
 - c. Associated grave goods.

In consultation between the County Archaeologist, Project Archaeologist, and Native American Monitor, additional measures (e.g. wet-screening of soils adjacent to the deposit or on-site) may be required to determine the extent of the burial.

Note: Any time human remains are encountered, the site is considered RPO significant and the only appropriate mitigation is preservation.

3.0 SURVEY AND REPORT REQUIREMENTS

All cultural resources technical reports shall follow the formats and guidance in this document. The overall length of reports and the amount of information to include will vary depend on the size and scope of the project, regional setting, the cultural resources present, and the degree of impacts proposed.

Depending on the results of the survey (absence/presence of cultural resources), the County may require that one of the following be submitted:

- **Full Cultural Resources Report (Full Report)**
Required for projects where cultural resources are present on site. The full report shall include maps of the regional location of the project site, the location of cultural resources, and the location of cultural resources with an overlay of the proposed project. All maps that identify the location of cultural sites shall be placed in a "Confidential" appendix under separate cover.
- **Cultural Resources Letter Report (Letter Report)**
Required for projects where no resources are present on site. See Attachment C for an example.

All cultural resources reports will be reviewed for technical accuracy and completeness by a staff archaeologist. Reports are considered draft until staff determines the report to be complete. Each submittal and review of a draft cultural resources report is considered an "iteration". During each iteration, staff will either determine the report to be complete or respond with comments for necessary changes. Each report may have up to three iterations, after which the project may be taken for denial due to inadequate environmental progress.

3.1 Archaeological Technical Report

The following subchapters provide an outline and the criteria for the required elements of a "full" technical report. The structure of the report is based on the ARMIR format with modifications to fulfill County requirements. Depending on the types of resources and impacts identified, the format may vary and all elements may not be required. Any deviation from the standard format outlined below must be approved by staff.

3.1.1 Outline

An archaeological technical study should include the following elements:

ARCHAEOLOGICAL TECHNICAL REPORT OUTLINE

COVER PAGE

NADB DATA

TABLE OF CONTENTS

LIST OF ACRONYMS

EXECUTIVE SUMMARY (MANAGEMENT SUMMARY/ABSTRACT)

1.0 INTRODUCTION

1.1 Project Description

1.2 Existing Conditions

1.2.1 Environmental Setting

Natural

Cultural

1.2.2 Record Search Results

Previous Studies

Previous Recorded Sites Adjacent to Study Area

1.3 Applicable Regulations

2.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

3.0 RESEARCH DESIGN (optional)

4.0 ANALYSIS OF PROJECT EFFECTS

4.1 Methods

4.1.1 Survey Methods

4.1.2 Test Methods

4.1.3 Laboratory and Cataloging Procedures

4.1.4 Curation

4.1.5 Native American Participation/Consultation

4.2 Results

5.0 INTERPRETATION OF RESOURCE IMPORTANCE AND IMPACT IDENTIFICATION

5.1 Resource Importance

5.2 Impact Identification

6.0 MANAGEMENT CONSIDERATIONS – MITIGATION MEASURES AND

DESIGN CONSIDERATIONS

6.1 Unmitigated Impacts

6.1.1 Mitigation Measures and Design Considerations

6.2 Mitigated Impacts

6.2.1 Mitigation Measures and Design Considerations

6.3 Effects Found Not to be Significant

7.0 REFERENCES

8.0 LIST OF PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

9.0 LIST OF MITIGATION MEASURES AND DESIGN CONSIDERATIONS

APPENDICES

CONFIDENTIAL APPENDICES

3.1.2 Content

The following subsections discuss the criteria for the required elements that are to be used when preparing an archaeological technical study. The elements described below are not exclusive and it is expected that the consultant will expand beyond these elements when necessary.

Note: The numbering identified below should be used when preparing technical studies. The titles are shown in italics only for purposes of this document and are not required to be formatted in italics for the technical study.

COVER PAGE

The cover refers to the front exterior of the report. No slogans or company logos should appear. The cover shall include only the following information:

- Report Type (e.g. Survey, Testing Program);
- Project common name;
- Permit number(s) (if applicable);
- DPLU environmental log number, (if applicable);
- County Department contact's name, address and phone number;
- Date (must be revised during each edition of the draft Technical Study);
- Cultural Resource Technical Report preparer's name, firm name and address;
- Signature of County-Approved consultant;
- Project proponent's name and firm name (if applicable);

Refer to Attachment A for an example of an acceptable, standard cover.

NADB DATA

NADB data is a mandatory section of cultural resource technical reports. This data is used by the South Coastal Information Center and the National Archaeological Data Base and is required for site description and report identification.

Refer to Attachment B for an example of acceptable NADB data.

TABLE OF CONTENTS (AND HEADINGS)

The Table of Contents is a mandatory section of every technical study. The Table of Contents must be formatted in the following manner:

- 1.0 **FIRST LEVEL HEADINGS – CHAPTERS SHALL BE SPECIFIED BY NUMBER AND SHALL BE PRESENTED IN BOLD AND IN ALL CAPS**
- 1.1 **Second Level Headings – Subchapters shall be specified by number and shall be presented in upper and lower case, bold, and underlined**
- 1.1.1 **Third Level Headings – Subchapters shall be specified by number and shall be presented in upper and lower case, and bold.**

Note: The table of contents should present chapters and subchapters up to three digits only (e.g. 4.3.6).

Additional subchapters should be distinguished by the hierarchy of font variations as shown below:

Fourth Level Headings shall have no numbering and shall be presented in upper and lower case, and bold.

Fifth Level Headings shall have no numbering and shall be presented in upper and lower case, and underlined.

Sixth Level Headings shall have no numbering and shall be presented in upper and lower case, and italicized.

The Table of Contents must also contain a list of figures, tables, and appendices. Figures and tables must be numbered sequentially. Appendices must be identified by letter (e.g. Appendix C – Sacred Lands Check).

LIST OF ACRONYMS

- The List of Acronyms should appear on the page directly following the Table of Contents and contain all acronyms used throughout the technical report, including technical, legal and industry related terms. The List must be alphabetical and clearly arranged.
- The first time an abbreviation or acronym is utilized, provide the full name and then indicate the form of abbreviation that will be used throughout the document to represent that name, e.g.: "The project complies with the California Environmental Quality Act (CEQA) and the County of San Diego Resource Protection Ordinance (RPO), because..." If an acronym is only used once or twice in a document, the acronym should be eliminated and it should be spelled out.

EXECUTIVE SUMMARY

The Executive Summary/Abstract should be as concise as possible, using clear simple language, not exceed 5 pages, and should provide an abstract of the scope and findings of the report. No new information should be provided in this section that is not further explained elsewhere in the document. This section should be written so that non-archaeological professionals and the public can understand it. The purpose of the Executive Summary/Abstract is to provide a quick reference for the public and decision-makers. **The Summary must be fully consistent with the text of the technical report.** Make sure that the Executive Summary/Abstract *accurately* "summarizes" the issues discussed in the technical report text. For example, assure that the issues identified for discussion in Chapters 4.0, 5.0, and 6.0 and the conclusions as to significance stated there, match the issues and conclusions stated in the Executive Summary/Abstract. Failure to assure consistency may lead to the document being found inadequate by staff. The Executive Summary/Abstract must include the following information:

- Describe the purpose and scope of the archaeological investigation. Specify the type of study that was conducted (e.g., literature search, inventory, evaluation, data recovery).
- List the date(s) of the investigation.

- Summarize the major findings of the investigation. For example, if the document reports an archaeological survey, list the number and types of resources identified during the survey.
- If resources have been evaluated, summarize their significance as determined pursuant to the California Environmental Quality Act (CEQA), the County of San Diego Resource Protection Ordinance (RPO), or other regulations and standards as appropriate.
- The status of human remains (absence or presence) should be stated.
- Briefly indicate what types of features and artifacts were encountered.
- Discuss how the proposed project affects resources.
- Describe constraints on the investigation (e.g., time, finances, logistics, vegetation, weather, landowner permission, vicious or rabid dogs).
- Offer a summary of recommendations (e.g., test excavation, National Register eligibility recommendations, treatment recommendations).
- Describe the disposition of field notes, collections, and reports.

1.0 INTRODUCTION

The objectives of this chapter are to provide clarity for the reader. Specifically, background information as detailed below should be included to provide an understanding of the what, why, when, and where.

1.1 Project Description

This subchapter provides a detailed description of the proposed project. The project description is the land- or resource-disturbing activity for which a cultural resources study is required. The discussion must identify not only changes to the project site as it currently exists, but also include any off-site improvements that will be a part of the project. The project description provides information needed to determine how archaeological resources may be affected. How much information is appropriate for a given report may depend on what was included in previous reports for the project, and on the scope and size of the project. It is clear that the project description is fluid and evolves over the permitting process cycle. The intent of this section is to make the description as accurate as possible. If major changes occur (e.g. new off-site impacts) staff will request an update to the study.

The precise location and boundaries of the project site must be described. Both regional and vicinity (preferably topographic) location maps must be included to show the project's location. The project description should be as detailed as possible and may include but is not limited to the following:

- Size of project and area of proposed development.
- Purpose and scale of proposed uses associated with the project, such as residential development or recreational camping.
- Nature and extent of disturbance anticipated.
- Project phasing.
- Proposed structures (size, location, purpose etc.).
- Location of easements (existing and proposed) such as those for biological open space and roads.
- Proposed or potential uses within the open space (e.g. passive recreation such as hiking or horse trails).
- Off-site improvements (e.g. roads, utilities, facilities).
- U.S.G.S. Quadrangle map delineating the study boundaries.
- General location map showing the location of the project.
- Project plot plan/map (minimally 8.5"X11").

1.2 Existing Conditions

1.2.1 *Environmental Setting*

Natural

This section generally includes a discussion of the natural setting of and in the vicinity of the project. Describe any preserved lands (open space easements, Pre-Approved Mitigation Areas, Park Land) adjacent to or contiguous with the site. The description of the physical environment shall be based on the existing legal condition of the property, prior to any unauthorized activities (e.g.: grading, clearing) or actions taken in preparation for the project, such as septic testing or geotechnical investigations. The physical environment should include but is not limited to the following:

- Identify the natural physiographic region and biotic communities.
- Describe the current natural environment of the general area including landforms, hydrology, geology, soils, climate, vegetation, and animal life, as appropriate.
- The location of culturally important resources such as outcrops of cryptocrystalline rock, reservoirs, townsites, etc., should be discussed, as appropriate.
- Describe the natural environment as it is believed to have existed during the temporal periods of occupation under investigation, if such information is available.
- Describe the current land use (e.g., agriculture, mining, recreation, residential).
- Assess the current condition of the land within the project area (e.g., relatively unmodified, partially disturbed by construction or improvements).

Cultural

This section provides the context for the evaluation of cultural resources. This section should provide an overview of the prehistory and history (including built environment) of the study area. Settlement patterns, subsistence practices, geographic boundaries, and environment should be incorporated into the discussion of each period. The following is an example of how this section should be broken into the different temporal periods. This example is not the mandatory County-approved version of the regional background but shows formatting and organization.

1.2.1 *Environmental Setting*

Cultural Setting

Prehistoric Period

San Dieguito (Early Period/Archaic)

La Jollan

Late Prehistoric

Ethnohistoric Period

Historic Period

Spanish

Mexican

American

No single classification is agreed upon for the different periods of prehistory and history. Various researchers have used different terms for these distinct periods. The cultural background of San Diego County continues to evolve as new information is accumulated as a result of current research efforts. The above outline is provided as a guideline and it is recommended that each archaeologist provide their interpretation of the prehistory and history of the County of San Diego. The Native American perspective should be included in this discussion.

1.2.2 *Record Search Results*

Previous Studies

Previous Recorded Sites Adjacent to Study Area

Identification of previous investigations is the focus of this subchapter. Previous work conducted on the project site and within a one-mile radius of the project boundaries should be discussed. In areas of very high site densities, the one-mile radius may be reduced with the approval of staff. The repository(ies) where the documents are held must be identified. The type of study (e.g. survey, Phase I evaluation) must be described for each investigation (tabular form). Resources identified should be discussed and include information about site type, location of and topographical setting of sites to the project site, diagnostic artifacts if present, and provide a regional perspective. The following information should be included:

- Evidence of a record search for known cultural resources and previous reports conducted at an Information Center of the California Archaeological Inventory,

Historical Societies, repositories other than information centers, as well as oral histories should be included. Either a copy of the record search report performed by Information staff or the results of a records search performed by a professional consultant should be provided in a confidential appendix. The County of San Diego has access to the California Historic Resources Inventory System (CHRIS) data from the South Coastal Information Center; therefore hard copies of DPR forms obtained for record searches are not required. DPR forms are only required for new sites identified in the field.

- Aerial photos and historic maps should be reviewed to identify potentially historic structures and historic land uses.
- Identify the location of cultural material that was collected as part of a previous study for any recorded sites within the project footprint.
- A table identifying the site number, type, estimated size, and report reference shall be included. Below is an example of an acceptable table.

Site Number	Site Type	Site Dimensions	Report Reference
CA-SDI-6789	Village	90x10m ²	Clovis 1903
CA-SDI-12,345	Lithic Scatter	240x5m ²	Jones 1986
P-37-0250123	Trash Deposit	5x5m ²	Kroft 2001

- A map of the location of the cultural resources shall be included in a Confidential Appendix.
- Results of interviews.

Note: The text should not disclose site location. The site description should be written so that the reader of the non-confidential report cannot find the site.

1.3 Applicable Regulations

This section should identify the regulations that are applicable to a project. Typical regulations that apply to County projects include CEQA, RPO, and the County of San Diego Local Register of Historical Resources. Each regulation should be discussed and the criteria for defining significance and impacts identified. CEQA applies to all discretionary actions and RPO applies to a select group of permit types that include the following:

- Tentative Parcel Maps
- Tentative Maps
- Revised Tentative Parcel Maps and Tentative Maps
- Expired Tentative Parcel Maps and Tentative Maps
- Major Use Permits
- Major Use Permit Modifications
- Site Plans (excluding those Statutorily or Categorically Exempt from review under CEQA and those required by a Sensitive Resource Area Designator)

- Administrative Permits (excluding those Statutorily or Categorically Exempt from review under CEQA and those for clearing)
- Vacations of Open Space Easements

Attachment D provides an example of a typical Applicable Regulations section.

2.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

Guidelines for Determining Significance that have been approved by the County are to be used in the analysis and the Guidelines used should be listed in this section. A copy of the approved Guidelines must be included as an appendix to the technical study.

3.0 RESEARCH DESIGN (optional)

The focus of archaeological studies for discretionary projects is to determine resource importance and the significance of project impacts pursuant to Federal, State, and Local regulations. Research designs typically go beyond what is required by the County, and therefore is an optional element in most archaeological studies. A research design provides the theoretical basis for an archaeological study. The requirement of a research design will be made on a case-by-case basis and is determined by project complexity, the density of sites, and project impacts which may require a data recovery program.

A Research Design is required for any project that proposes Data Recovery as mitigation (See Section 6.0 – Management Considerations).

The following provides an outline of data that should be included in a research design.

- Research designs vary in nature and level of detail depending on the project components and investigation type. Research designs are explicit statements of the theoretical and methodological approaches to be followed in an archaeological study. In some cases, research designs have been developed for specific geographic regions, types of investigations, or types of resources. At a minimum, such research designs should be included into cultural studies by reference. However, project-specific research design sections may be necessary (e.g., evaluative and data recovery excavations) and should be included if appropriate.
- Research designs link theory, known information, research goals, and methods. The use of previously formulated research designs is acceptable if these designs are current and relate directly to the area and type of study under consideration. Predictive models are elements of a research design applicable to archaeological surveys. Predictive models are structured predictions concerning types and locations of archaeological phenomena anticipated in an area. Predictive models

may be used to establish an existing condition baseline; however they do not replace the requirement for surveys.

When a research design is required, the following should be included:

- Discuss the theoretical basis of the proposed research. Cite or discuss the research paradigms under which the investigators are operating.
- Summarize previous research. A summary of important research questions pertinent to the study area or to the identified resources should be presented, with particular emphasis on the identification of relevant data gaps. Statements appealing to generally recognized goals of archaeology or anthropology by themselves usually lack the detail necessary for an adequate research design.
- Present testable hypotheses or state the goals of the research. Any useful theoretical approach should be capable of generating testable hypotheses. A research design should present important research questions recognized for the region and relevant to the study, based on previous research.
- Identify the test implications of the hypotheses. Describe expected archaeological resource types, archaeological patterns, and data categories anticipated, as they relate to test implications. Discuss operational definitions for archaeological resource types (and rationales for their use), if different from OHP definitions of archaeological sites, historic resources, and isolated artifacts or resources.

4.0 ANALYSIS OF PROJECT EFFECTS

4.1 Methods

- 4.1.1 Survey Methods**
- 4.1.2 Test Methods**
- 4.1.3 Laboratory and Cataloging Procedures**
- 4.1.4 Curation**
- 4.1.5 Native American Participation**

(Include all subchapters that apply).

Methods of investigation must always be included in a Cultural Resources Technical Report. Methods should include all the tools (e.g. survey, indexing, testing, lab analysis etc.) used by the project archaeologist/historian to identify archaeological resources, evaluate their significance, and to determine the appropriate mitigation for project impacts. The following outline provides the components that should be incorporated into this subchapter if appropriate.

- Describe how personnel conducting the work were organized and list the active participants and their duties. Identify the persons participating in the study such as Native American observers, monitors, and consultants, interested parties with special knowledge or expertise, and technical specialists.
- Describe the data gathering methods employed (e.g., remote sensing data; surface survey; surface chemical analysis; sub-surface methods such as probing road and stream cuts or analyzing core probes, archival research). The methods description should provide details such as deployment of survey personnel, site recordation techniques, chemical analyses, indexing, sub-surface test locations and methods, and remote sensing techniques. Data gathering methods include:
 - Describe specific research and sampling strategies employed, the rationale for their use, a description of how they were implemented, and how many person-hours/days were expended, if such information is available. If methods follow agency or professional standards, define or at least cite the source for definition of the method (e.g. intensive, general, intuitive, cursory surveys).
 - Using U.S.G.S. quadrangles, show area(s) subject to investigation in relation to the Area of Potential Effects (APE) and project boundaries. For survey reports, depict areas surveyed, not surveyed, or surveyed using various strategies. Larger scale maps may also be appropriate to convey information regarding the nature of the investigation. Such maps can be included in an appendix.

- Provide a descriptive summary of the areas examined, noting areas that were not inspected in relationship to the sampling strategies employed, and why. Note the percentage of ground visibility for the areas inspected.
- Describe site recording procedures as appropriate.
- Describe the method of indexing. Number each index on a map of the site sufficiently detailed to depict the relationship between natural and archaeological features within the project site. Indexing should include surface collection and limited excavation to establish the horizontal and vertical boundaries of the resource.
- Describe the types and methods of excavation. Number each excavation location on a map of the site sufficiently detailed to depict the relationship between natural and archaeological features within the site. Include an explanation of the rationale for the placement of units.
- Whenever human remains or archaeological features such as hearths or house pits are present or suspected, a ground penetrating radar survey may need to be conducted. The decision will be made through consultation between the County Archaeologist, the Project Archaeologist, and the Native American Monitor.
- Describe cultural materials collected (if any), including methods of documentation and removal.
- Describe measures undertaken or needed to restore archaeologically disturbed site areas when archaeological field studies are completed.
- Indicate where collected materials, photographs, and other documents are curated. Curatorial agreements and reburial agreements should be provided in an appendix in the final draft of the report. Reburial agreements (if available) shall be placed in a confidential appendix and shall be included only if the Native American monitor or Native American Groups are in agreement.
 - When photos or other documentation (e.g., remote sensing data) are not included in the report, name the repository where these data are stored. Provide appropriate reference numbers used to file and retrieve this data at the repository.
- Discuss problems or constraints in conducting the research.

Note: All documentation containing Native American site locations are to be placed in the Confidential Appendix.

- Identify what measures were taken to consult with the Native American Heritage Commission (NAHC) and/or local Native American groups, organizations, or individuals. This discussion should include consultation required pursuant to Section 65352.3 of the Government Code (Senate Bill 18 [2004]) including any activities conducted by County Staff. Staff will provide documentation to consultants.

4.2 **Results**

This section presents the information collected during the study. A thorough description of collected data is essential for the construction of meaningful and well-supported interpretations. When interpretations of data are mixed with or substituted for basic data presentations, the reader is left with no basis for independently assessing conclusions and inferences. It is therefore critical to explicitly separate data presentation from interpretation of those results whenever possible.

Note: The text should not disclose site location. The site description should be written so that the reader of the non-confidential report cannot find the site.

The following guidance should be followed when discussing results.

Cultural Resource Survey Report

- If no archaeological resources were located, their absence should be explicitly noted and a letter report is acceptable. See Attachments A, B, and C for samples of information that should be included in the report.
- If resources were previously reported or anticipated but were not located, discuss the possible environmental and cultural factors that may have hidden or destroyed the resources.
- If cultural resources were identified:
 - Provide information regarding the cultural resources that were observed and recorded, including:
 - ✓ Prehistoric archaeological sites,
 - ✓ Historic sites, and
 - ✓ Isolated artifacts
 - Recent or contemporary resources (e.g., modern roads, power lines, structures) noted but not formally recorded might also be discussed and include on a map, although such information may not be appropriate or necessary, and is usually not confidential.

- If applicable, provide a synthesis of previous research as it relates to the project.
- The following maps should generally be included in a report on the results of inventory. **Maps depicting archaeological site locations should not be included in reports that will be publicly circulated and should be placed in a separate “confidential” appendix.**
 - ✓ If not already presented, area(s) subject to investigation in relation to the Area of Potential Effects (APE) and project boundaries on an appropriate U.S.G.S. quadrangle (7.5 or 15 minute series). For survey reports, depict areas surveyed, not surveyed, or surveyed using various strategies. Larger scale maps may also be appropriate to convey information regarding the nature of the investigation.
 - ✓ U.S.G.S. quadrangle maps showing prehistoric resource locations recorded during survey.
 - ✓ Archaeological resource sketch maps consistent in content and quality with the standards established in the California Archaeological Inventory Handbook for Completing an Archaeological Site Record distributed by the California OHP. If archaeological site records are provided in a detachable “confidential” appendix to the report, sketch maps should be included with the site records.
 - ✓ Archaeological site contour maps depicting topographic and archaeological details, and surface and sub-surface study locations should be provided, if available, although such maps often are not prepared for survey reports.
- Describe all resources.
 - ✓ The description should at a minimum include site type, chronological placement, size, and if there is any disturbance (e.g. grading, pot hunting etc.).
 - ✓ For each resource (historic, prehistoric, isolates), complete all appropriate DPR forms. The DPR forms must be placed in a confidential appendix or may be submitted electronically in pdf format. The submitted report must provide evidence that the DPR forms have been submitted to the South Coastal Information Center. Once site numbers (trinomial, primary, isolate) are assigned they must be incorporated into the study and replace any temporary numbers. The report will not be considered final without the primary numbers and trinomials from the SCIC.

- ✓ Provide a master map (photocopy of appropriate USGS quadrangle) depicting the locations of all resources. It is not appropriate to include maps of prehistoric resource locations in the body of the report if the report is available to the general public. Prehistoric resource locations should appear only in confidential appendices.

Archaeological Excavation Reports

Excavation can occur during any phase of a cultural resource investigation. The description of excavation during these various phases should be scaled to the size of the excavation, the importance of information to the objectives of the study, and the abundance and quality of information resulting from the excavation. In terms of data presentation, no distinction is made here between excavation conducted for evaluative purposes and excavation performed as a data recovery or mitigation phase. Data and interpretation should be presented separately when possible. Summarize the results of lengthy, appended special studies.

- Describe the physical context of the archaeological deposit, including:
 - Site topography and geomorphology (if not addressed in Physical Environment).
 - Soil type (midden/non-midden), structure, stratigraphy and their relationship to surrounding soils. Summarize results of special studies such as particle size analysis and soil chemistry, and include a copy of special studies reports in an appendix.
 - ✓ Non-cultural soil constituents (floral, faunal). Include a summary of special studies and insert reports in an appendix;
 - ✓ Anthropic soils and stratigraphic relationships.
 - Profiles of excavation units, trenches, or auger borings, as appropriate.
- Describe archaeological features. Functional ascriptions/interpretations, such as hearth, oven, housepit, may be unavoidable at this level of data presentation. It may be appropriate to discuss the relationship between feature and non-feature archaeological material distributions (e.g., the relationship between midden deposits and ovens or housepits).

- Describe physical evidence including location dimensions, attributes, and associations.
- Provide or reference illustrations and photographs of features.
- Either present in full or summarize the results of special studies related to features (e.g., radiocarbon, flotation, micro-constituent analysis, chemical analysis).
- Enumerate and describe artifacts by material type and artifact class (e.g., flaked-stone). Avoid typological ascriptions that impose or imply function or chronological association in the initial description. For example, biface, uniface, or modified flake is preferable to knife, scraper, or used flake. Such interpretations can follow in separate subsections, as described below.
 - Discuss typological consideration of artifacts such as stone tools, beads, bone and groundstone tools, and historic materials.
 - Include illustrations/photographs of formal artifacts. These can be included in an appendix.
 - Present the results of analyses of artifact manufacture and use (e.g., flaked-stone manufacturing technology, use-wear studies, pottery analysis, basketry identification). Extensive and detailed analyses may be included in appendices. A summary of the results of these studies should be presented in the body of the report. Such studies should define analytic methods and distinguishing traits of analytic categories. For example, if a flaked-stone analysis involved the identification of different types of flakes, then the attributes that define such flake types should be reported. References to previous analyses should not supplant basic descriptions of methods and analytic categories.
 - Present the results of analyses such as radiocarbon dating, obsidian source and hydration studies, thermoluminescence dating, geomagnetic studies, pollen analysis, blood protein analysis, and others.
- Describe non-artifactual archaeological material that reflects past human activities (e.g., burned seeds, charred animal bone), and materials that provide information on past environments or exploited resources (e.g., pollen).
 - Include identification studies for floral and faunal remains, with interpretations regarding the kinds and amounts of resources used, consumed, etc.
 - Present the results of physical analyses such as pollen, microconstituent analysis (flotation, coprolite studies).

- Describe the context of discovery, examination, and disposition of human remains, if any. Given the often sensitive nature of human remains, examination and treatment of such remains will depend on the outcome of consultation with appropriate Native American representatives and the decision of land owners regarding the treatment of human remains. Therefore, whether and how human remains and associated grave goods are examined may vary greatly. Similarly, the nature and extent of reporting on the treatment of human remains may vary with the nature of Native American concerns. It may not be possible or appropriate to maintain rigid reporting standards. In general however, the following information is desirable from an archaeological and management standpoint.
 - Describe the context of the discovery of human remains. For example, describe if a human burial discovered during excavation was expected, based on consultant information or archaeological indicators.
 - Describe measures taken pursuant to state law, local ordinance, agreement, and/or agency policy regarding human remains.
 - Describe efforts to consult with the Native American Heritage Commission, appropriate Native American representatives or living descendants, county coroner, landowner, etc.
 - Describe outcome of discussions regarding the treatment of human remains.
 - Describe actions taken with regard to the study of human remains (i.e., exposure, exhumation, analysis, reburial in-situ, reburial after exhumation).
 - ✓ Describe the location, physical position, orientation, and nature of the remains (e.g., primary inhumation, cremation). Include a description of grave associations and the physical/contextual relationships between human remains and associated artifacts. For example, describe if artifacts were overlying or underlying the human remains in a patterned arrangement, or were found within burial pit fill.
 - ✓ Report the results of analyses, including specialists' reports in a confidential appendix. Cataloging human remains should not be mixed with the balance of artifacts recovered from a site. Descriptive information should be placed in a confidential catalog.
 - ✓ Include photographs and illustrations in a confidential appendix. Photos of burials should be included only if the MLD is in agreement.
 - ✓ Record/report the reburial location on a New Deposit/Redeposit Record (DPR 422I). Such information should be included in a

confidential appendix and treated in a manner sensitive to the desires of the MLD of the human remains.

- Describe the spatial distribution and patterning of cultural material by class (e.g., flaked-stone, bone). Present data on the intrasite distribution of cultural materials (i.e., vertical and horizontal stratigraphy, assisted by data tables).

5.0 INTERPRETATION OF RESOURCE IMPORTANCE AND IMPACT IDENTIFICATION

5.1 Resource Importance

The descriptive data presented in subchapter 4.2 above should be discussed and interpreted with explicit reference to the research design or study objectives defined in the report. In addition, unanticipated data recovered during the study may warrant discussion of additional research topics not included in the research design.

- Discuss results of the investigation as they relate to the guidelines for determining significance and specific topics and questions presented in the research design. It is preferable to organize the discussion according to the structure of the guidelines for determining significance, and research questions, hypotheses, and test implications presented in the research design.
- Discuss the results of the study in terms of the general research objectives of the study (e.g., settlement patterns, subsistence, change through time). This discussion should place the investigation in a regional context, noting its role or contribution to an understanding of local, regional, state, or national history or prehistory.

Note: Any time human remains are encountered, the site is considered RPO significant and the only appropriate mitigation is preservation.

Note: If a resource has not been evaluated for significance and a decision is made to place it in open space in lieu of significance testing, significance is assumed.

5.2 Impact Identification

Relying on the existing conditions and guideline(s) for the determination of significance, this discussion must detail each of the significant effects associated with the project for the resource being evaluated. Each guideline should be analyzed separately and a determination as to impact significance (significance and not avoidable, significant and mitigable to below a level of significance, not significant) must be made. The technical study should identify how effects would occur and how severe they would be. Impacts must be identified as direct, indirect or cumulative. The following guidance should be followed when preparing the

analysis of project effects.

- Identify impacts and mitigation measures for the *whole project*, including any remainder parcel which is not proposed to be developed currently or off-site improvements.
- Be sensitive to the age of technical studies which are the basis for the analyses. Cultural studies older than eight years may be unreliable.
- Resources placed in open space must be assessed for indirect impacts.

6.0 MANAGEMENT CONSIDERATIONS – MITIGATION MEASURES AND DESIGN CONSIDERATIONS

6.1 Unavoidable Impacts

6.1.1 Mitigation Measures and Design Considerations

6.2 Mitigable Impacts

6.2.1 Mitigation Measures and Design Considerations

6.3 No Significant Adverse Effects

This chapter must discuss the feasible mitigation scenarios that could avoid, minimize, rectify, and/or reduce each of the significant environmental effects. There must be a clear connection between the proposed mitigation measure and the identified significant effect. In addition, resources that were determined not to have a significant adverse effect must be discussed. Resources should be categorized as having impacts that are unavoidable, mitigable, or that have no adverse effects.

- If mitigation is proposed, it should be identified and discussed. If a project is phased, the mitigation must be detailed and identify which phase of the project mitigation will be implemented.
- Design considerations that were relied upon in determination of significance of impacts, while not considered mitigation, must be listed in the mitigation measures to ensure that they are included in the conditions of approval for the project (e.g. open space).
- After the application of mitigation measures, state clearly whether the impact remains significant or is mitigated to a level below significance. In addition, identify whether the implementation of a mitigation measure will cause impacts to a resource.
- Rather than providing the *exact wording* of proposed project approval conditions which will be used to implement mitigation measures, describe the *specific concept* of the proposed mitigation and specify how it must *function* to be effective. County staff will draft the exact wording to implement the requirement at later stages in project processing. For example, do not set forth the entire terms of a required open space easement, but rather state that an open space easement will be required over ... [state the area]...which will prohibit...[specify

prohibited uses and activities]...but may permit ...[state any exceptions]. Attachment E provides language used by staff to condition projects for the preservation and protection of cultural resources.

- A Research Design and Data Recovery program must be included in the study for any project that proposes data recovery as mitigation.

7.0 REFERENCES

This list must provide adequate references to documents cited in the technical study. References that were relied upon and which have a limited circulation must include a location where the public can readily access and review the document.

8.0 LIST OF PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

This list must clearly identify: 1) All persons contributing to the technical report and 2) all Federal, State, or local agencies, organizations, and individuals who were consulted during its preparation. The list must indicate the name, affiliation, and a very brief explanation of each individual's role in the preparation of the technical report.

9.0 LIST OF MITIGATION MEASURES AND DESIGN CONSIDERATIONS

This should be formatted as a table and must include: 1) a comprehensive listing of all mitigation measures proposed; and 2) a listing of all design considerations that were relied upon to make the determination that an effect is reduced to less than significant (e.g., applicant proposed open space areas).

APPENDICES

Appendices must be identified by letter and may include but are not limited to the following:

- Specialized Studies and Analyses
- Artifact Catalog
- Native American Consultation (may also be placed in a Confidential Appendix)
- Curatorial Agreements

CONFIDENTIAL APPENDICES

- Maps with Archaeological Site Locations
- DPR Forms (New and Updated)
- Reburial Agreements
- Artifact Catalog
- Confidential Catalog

3.2 Archaeological Letter Report

The following sections provide an outline and the criteria for the required elements of a letter report. Letter reports are only to be used for negative surveys or in cases where only isolates are present.

3.2.1 Outline

An archaeological letter report should include the following elements:

ARCHAEOLOGICAL LETTER REPORT OUTLINE	
COVER PAGE	
NADB DATA	
PROJECT LOCATION	
Assessors Parcel Number	
UTM	
Elevation	
OWNER AND ADDRESS	
SURVEY TYPE	
Date of Survey	
Field Crew	
DESCRIPTION (including Conditions)	
USGS MAP	
REGIONAL LOCATION MAP	
RECORD SEARCH	
SACRED LANDS CHECK	

3.2.2 Content

The following subsections discuss the criteria for the required elements that are to be used when preparing an archaeological letter report. A sample of the cover page,

NADB Data, and body of a letter report are provided in Attachments A, B, and C respectively.

COVER PAGE

See subchapter 3.1.2.

NADB DATA

See subchapter 3.1.2.

PROJECT LOCATION

The following elements should be included in the project location:

- County
- USGS Quad Map and Date of Map, Thomas Brothers Page
- Section, Township, and Range or Land Grant
- Physical Address (if no physical address is available, provide the street name and nearest cross streets.)
- Other Locational Data (include directions to the project site. This is important especially if there is no physical address.)

Assessors Parcel Number (APN)

The assessors parcel number should be included in the report. If unavailable, contact staff for assistance.

Universal Transect Mercator (UTM)

UTMs should be taken from a corner of the property and it should be identified. This field should identify whether a GPS unit was used to obtain the UTMs.

ELEVATION

Identify the average elevation for the project site or provide a range.

OWNER AND ADDRESS

Provide owner information and a current mailing address.

SURVEY TYPE

Identify the survey type. Negative surveys are typically "Intensive Pedestrian".

Date of Survey

Provide the date or dates of the survey.

Field Crew

Identify the members of the field crew and the absence or presence of a Native American monitor.

DESCRIPTION

The description should briefly discuss the field methods (e.g. survey transects, etc.), areas surveyed, areas not inspected and why, site conditions (e.g. ground visibility, presence of trails, etc.), natural landforms, topography, and the proposed project (e.g. 24-lot subdivision). Include a discussion of any conditions (e.g. grading monitoring) that should be implemented and why.

USGS MAP

Identify the project site on a USGS map and attach it to the report.

REGIONAL LOCATION MAP

Identify the project site on a Regional Location map and attach it to the report.

RECORD SEARCH

Provide evidence that a records search was conducted. DPR forms are not required. Include DPR forms for any isolates identified.

SACRED LANDS CHECK

If a Sacred Lands Check was conducted provide documentation.

3.3 Historic Technical Report

The following subchapters provide an outline and the criteria for the required elements of a "full" technical report. The structure of the report is based on the ARMR format with modifications to fulfill County requirements. Depending on the types of resources and impacts identified, the format may vary and all elements may not be required. Any deviation from the standard format outlined below must be approved by staff.

3.3.1 Outline

HISTORIC RESOURCES REPORT OUTLINE
--

COVER PAGE
NADB DATA
TABLE OF CONTENTS
LIST OF ACRONYMS
EXECUTIVE SUMMARY (MANAGEMENT SUMMARY/ABSTRACT)

1.0 INTRODUCTION

1.1 Project Description

1.2 Existing Conditions

1.2.1 Environmental Setting

Natural

Cultural

1.2.2 Record Search Results

Previous Studies

Previous Recorded Sites Adjacent to Study Area

1.3 Applicable Regulations

2.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

Historic Resources

RPO

3.0 RESEARCH DESIGN (optional)

4.0 ANALYSIS OF PROJECT EFFECTS

4.1 Methods

4.1.1 Archival Research

4.1.1 Survey Methods

4.1.2 Structures Assessment

4.2 Results

4.2.1 Historic

5.0 INTERPRETATION OF RESOURCE IMPORTANCE AND IMPACT IDENTIFICATION

5.1 Resource Importance

5.2 Impact Identification

6.0 MANAGEMENT CONSIDERATIONS – MITIGATION MEASURES AND DESIGN CONSIDERATIONS

6.1 Unmitigated Impacts

6.1.1 Mitigation Measures and Design Considerations

6.2 Mitigated Impacts

6.2.1 Mitigation Measures and Design Considerations

6.3 Effects Found Not to be Significant

7.0 REFERENCES

8.0 LIST OF PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

9.0 LIST OF MITIGATION MEASURES AND DESIGN CONSIDERATIONS

APPENDICES

CONFIDENTIAL APPENDICES

3.3.2 Content

The following subsections discuss the criteria for the required elements that are to be used when preparing an archaeological technical study. The elements described below are not exclusive and it is expected that the consultant will expand beyond these elements when necessary.

Note: The numbering identified below should be used when preparing technical studies. The titles are shown in *italics* only for purposes of this document and are not required to be formatted in *italics* for the technical study.

COVER PAGE

NADB DATA

TABLE OF CONTENTS

LIST OF ACRONYMS

EXECUTIVE SUMMARY

See subchapter 3.1.2.

1.0 INTRODUCTION

1.1 Project Description

1.2 Existing Conditions

1.2.1 Environmental Setting

Natural

Cultural

1.2.2 Record Search Results

Previous Studies

Previous Recorded Resources Adjacent to Study Area

1.3 Applicable Regulations

See subchapter 3.1.2.

2.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

Historic Resources

RPO

See subchapter 3.1.2

3.0 RESEARCH DESIGN (optional)

See subchapter 3.1.2.

4.0 ANALYSIS OF PROJECT EFFECTS

4.1 Methods

4.1.1 Archival Research

4.1.2 Survey Methods

4.1.3 Structural Assessment

4.2 Results

4.2.1 Historic Resources

In addition to guidance provided in subchapter 3.1.2, the study must include a discussion of the methods used to evaluate the significance and integrity of an historic resource. Methods for making this determination may include but are not limited to archival research, oral histories, and structural assessment.

5.0 INTERPRETATION OF RESOURCE IMPORTANCE AND IMPACT IDENTIFICATION

5.1 Resource Importance

5.2 Impact Identification

See subchapter 3.1.2.

6.0 MANAGEMENT CONSIDERATIONS – MITIGATION MEASURES AND DESIGN CONSIDERATIONS

6.1 Unmitigated Impacts

6.1.1 Mitigation Measures and Design Considerations

6.2 Mitigable Impacts

6.2.1 Mitigation Measures and Design Considerations

6.3 Effects Found not to Be Significant

See subchapter 3.1.2.

7.0 REFERENCES

See subchapter 3.1.2.

8.0 LIST OF PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

See subchapter 3.1.2.

9.0 LIST OF MITIGATION MEASURES AND DESIGN CONSIDERATIONS

See subchapter 3.1.2.

APPENDICES

See subchapter 3.1.2.

4.0 CULTURAL RESOURCE MAPPING GUIDELINES

Extent of Mapping Required

- Project Parcel Boundary
- Off-site Improvement Areas – Any required off-site improvements (e.g., road improvements, utility extensions, etc.) must be mapped in accordance with these requirements. Mapping should include maximum area necessary to complete the improvement.

Base Map Requirements

- Base Map – The Cultural Resource Map must be completed using a base map that includes:
 - The most recent project plot plan including all utility, road and proposed easements;
 - The proposed maximum limits of disturbance for the project (on and off site); including grading, septic systems, wells, construction staging areas, road improvements, drainage improvements, etc.;
 - Open Space/Conservation Easements;
 - Topography (County topographic data is sufficient);
 - Major roads and major road names;
 - Both proposed (solid lines) and existing (dashed lines) parcel/lot lines;
 - Assessor Parcel Numbers;
 - North arrow;
 - Bar or Graphic Scale;
 - The location of archaeological and historic resources;
 - Any applicable buffers for archaeological or historic resources.

[Attachment A]

REPORT TITLE

Project Common Name
Permit Numbers/DPLU Environmental Log No.

Lead Agency:

County of San Diego
Department of Planning and Land Use
Contact: _____
5201 Ruffin Road, Suite B
San Diego, CA 92123
Phone Number

Preparer:

Name
Firm Name
Address
Phone Number

Signature

Project Proponent:

Name
Firm Name
Address

Date

[Attachment B]

National Archaeological Data Base Information

Authors:

Firm:

Client/Project Proponent:

Report Date:

Report Title:

Type of Study:

New Sites:

Updated Sites:

USGS Quad:

Acreage:

Permit Numbers:

Key Words:

[Attachment C]

Negative Cultural Resources Survey Report

Project Common Name
Permit Numbers/DPLU Environmental Log No.

Lead Agency:

County of San Diego
Department of Planning and Land Use
Contact: _____
5201 Ruffin Road, Suite B
San Diego, CA 92123
Phone Number

Preparer:

Name
Firm Name
Address
Phone Number

Signature

Project Proponent:

Name
Firm Name
Address

Date

National Archaeological Data Base Information

Authors:

Firm:

Client/Project Proponent:

Report Date:

Report Title:

Type of Study:

New Sites:

Updated Sites:

USGS Quad:

Acreage:

Key Words:

RE:

Cultural Resources - Negative Findings

To Whom It May Concern:

Please be advised that a survey has been conducted on the above referenced project. It has been determined that there are no cultural resources present on this property. The project has been plotted on the attached USGS 7.5 minute topographical map for your information.

County: San Diego

USGS 7.5' Quad: Date: Section: Township: Range:

Address:

City: State:

Thomas Brothers:

Other Locational Data:

Assessor Parcel Number(s):

UTM: mE/ mN - taken from the corner of the project using a Garmin GPS unit.
Elevation:

Owner and Address:

Survey Type: Intensive Pedestrian

Date of Survey:

Field Crew:

Description: The field survey was conducted using standard archaeological procedures and techniques. Continuous parallel transects (___meters) were walked in a ____/____ direction. Survey conditions in these areas were good to fair, with some areas partially obscured by ground cover in the form of _____. In areas possessing dense vegetation, the survey methodology was adjusted to accommodate surface examination of trails and clearings and to facilitate the inspection of bedrock outcrops and stream beds. No artifacts or features were identified during this survey. This project proposes to _____. (Optionally add any conditions [not mitigation] that may be required such as grading monitoring due to the presence of heavy vegetation etc.,).

Sincerely,

Author/Principal Investigator

Firm

Attachment

USGS Topographical Map –

General Location Map

[Attachment D]

Applicable Regulations Sample

1.3 Applicable Regulations

Resource importance is assigned to districts, sites, buildings, structures, and objects that possess exceptional value or quality illustrating or interpreting the heritage of San Diego County in history, architecture, archaeology, engineering, and culture. A number of criteria are used in demonstrating resource importance. Specifically, criteria outlined in CEQA (RPO, [include if RPO applies to the project]) and the San Diego County Local Register provide the guidance for making such a determination. The following section(s) details the criteria that a resource must meet in order to be determined important.

1.3.1 California Environmental Quality Act (CEQA)

According to CEQA (§15064.5a), the term “historical resource” includes the following:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR. Section 4850 et seq.).
- (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14, Section 4852) including the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resource Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1.

According to CEQA (§15064.5b), a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. CEQA defines a substantial adverse change as:

- (1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
- (2) The significance of an historical resource is materially impaired when a project:
 - (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
 - (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
 - (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Section 15064.5(c) of CEQA applies to effects on archaeological sites and contains the following additional provisions regarding archaeological sites:

- (1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).
- (2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
- (3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.
- (4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Section 15064.5 (d) & (e) contain additional provisions regarding human remains. Regarding Native American human remains, paragraph (d) provides:

- (d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American heritage Commission. Action implementing such an agreement is exempt from:
 - (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
 - (2) The requirement of CEQA and the Coastal Act.

1.3.2 San Diego County Local Register of Historical Resources (Local Register)

The County requires that resource importance be assessed not only at the State level as required by CEQA, but at the local level as well. If a resource meets any one of the following criteria as outlined in the Local Register, it will be considered an important resource.

- (1) Is associated with events that have made a significant contribution to the broad patterns of San Diego County's history and cultural heritage;
- (2) Is associated with the lives of persons important to the history of San Diego County or its communities;
- (3) Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

1.3.3 San Diego County Resource Protection Ordinance (RPO)

The County of San Diego's RPO protects significant cultural resources. The RPO defines "Significant Prehistoric or Historic Sites" as follows:

Location of past intense human occupation where buried deposits can provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, State, or Federal importance. Such locations shall include, but not be limited to: any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places or the State Landmark Register; or included or eligible for inclusion, but not previously rejected, for the San Diego County Historical Site Board List; any area of past human occupation located on public or private land where important prehistoric or historic activities and/or events occurred; and any location of past or current sacred religious or ceremonial observances protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, and natural rocks or places which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

The RPO does not allow non-exempt activities or uses damaging to significant prehistoric or historic lands on properties under County jurisdiction. The only exempt activity is scientific investigation authorized by the County. All discretionary projects are required to be in conformance with applicable County standards related to cultural resources, including the noted RPO criteria on prehistoric and historic sites. Non-compliance would result in a project that is inconsistent with County standards.

[Attachment E]

Typical Condition Language for Use in Project Decisions

ARCHAEOLOGICAL OPEN SPACE EASEMENT DEDICATION

Grant to the County of San Diego an open space easement over portions of Lot as shown on . This easement (include adequate buffers) is for the protection of archaeological site CA-SDI-XXXX and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exception(s) to this prohibition is:

- Scientific investigations conducted pursuant to a research design prepared by an archeologist certified by the Register of Professional Archaeologists and approved by the Director of Planning and Land Use.
- Implementation of a site capping plan approved by the Director of Planning and land Use.
- Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
- Uses, activities, and placement of structures expressly permitted by Major Use Permit P and shown on the plot plan.
- Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.
- Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
- Construction, use, and maintenance of septic systems, a water supply well on Lot and in the location shown on .
- Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- Passive recreation limited to .

DATA RECOVERY EXCAVATIONS AS MITIGATION

Prior to Issuance of any Grading Permit or Approval of Improvement Plans, and Prior to Recordation of the Final Map, Whichever Comes First, the Applicant Shall:

1. Implement, to the satisfaction of the Director of Planning and Land Use, the research design detailed in the archaeological extended study, _____ (insert study name) prepared by _____ (insert CR consultant) , dated _____ (insert date). The implementation of the research design constitutes mitigation for the proposed destruction of archaeological/historic site(s) _____ (insert site numbers). The research design shall include, but is not limited to the following performance standards:

Or

Submit to the satisfaction of the Director of Planning and Land Use, a research design which constitutes mitigation for the proposed destruction of archaeological/historic site(s) _____ (insert site numbers). The research design shall include, but is not limited to the following performance standards:

- a. Phase _____ (insert phase of data recovery) data recovery shall include a Native American observer. The presence of a Native American observer shall be required for the duration of the excavation portion of the project.
- b. Phase I data recovery shall include mechanical trenching (optional) and a _____ (insert percentage – typically 2.5) percent hand excavated sample of the subsurface artifact concentrations for _____ (insert site numbers).
- c. At the completion of Phase I, a letter report will be submitted to the Director of the Department of Planning and Land Use. The letter report will evaluate the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial _____ (insert percentage) percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second phase of field investigations, not to exceed a total site hand excavated sample of _____ (insert percentage) percent of the two subsurface artifact concentrations.
- d. Implement Phase 2 of fieldwork, as necessary.
- e. Conduct artifact analysis, including lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, and radiocarbon dating, as detailed in the archaeological extended study, _____ (insert report title) prepared by _____ (insert CR consultant), dated _____ (insert date of report).

Or

The artifacts shall be identified and analyzed using historical archaeological analytical techniques such as artifact function patterning, bottled products pattern analysis and ceramic economic indexing. Additional historic research shall be conducted as necessary to aid in analyzing and explaining the significance of patterns.

Prior to Recordation of the Final Map, the Applicant Shall:

1. Complete and submit the Final Technical Report from the Project Archaeologist to the satisfaction of the Director of Planning and Land Use.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Technical Report from the Project Archaeologist, and a 10 percent cash deposit not to exceed _____ (e.g. \$30,000). A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of preparing the Final Technical Report that includes artifact analysis, and specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, and radiocarbon dating as required by the data recovery plan and research design as determined by the Project Archaeologist in consultation with the County Staff Archaeologist

2. Provide evidence to the satisfaction of the Director of Planning and Land Use that all archaeological materials recovered during both the significance testing and data recovery phases, have been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the curation of archaeological materials recovered during both the significance testing and data recovery phases, and a 10 percent cash deposit not to exceed _____ (e.g. \$30,000). A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of curation that includes the processing of the archaeological material by the curation facility, and the archiving of the archaeological material in perpetuity as determined by the Project Archaeologist in consultation with the County Staff Archaeologist.

TEMPORARY FENCING FOR ARCHAEOLOGICAL SITES

Prepare and implement a temporary fencing plan for the protection of archaeological site CA-SDI-XXXX during any grading activities within one hundred feet (100') of archaeological easement "A", as shown on the ____ plot plan (optionally: subdivision map, site plan, etc.) dated _____. The fencing plan shall be prepared in consultation with a qualified archaeologist, to the satisfaction of the Director of the Department of Planning and Land Use. The fenced area shall include a buffer sufficient to protect the archaeological site. The fence shall be installed under the supervision of the qualified archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed.

CULTURAL IMPACT FEE

A payment of _____ for the curation of orphan collections shall be made to the San Diego Archaeological Center for _____ (insert what activity damaged the site – e.g. geological testing) that has impacted site, CA-SDI-_____ to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from San Diego Archaeological Center identifying that a payment of _____ has been received.

CURATION OF ARCHAEOLOGICAL COLLECTIONS ONLY

(Note: this example includes collections made during an earlier project, such as testing of archaeological sites that took place years ago. Similar curation condition language is also included in other conditions)

Provide evidence to the satisfaction of the Director of Planning and Land Use that all archaeological materials recovered during both the _____ and _____ (insert year of studies) and the _____ archaeological investigations of the property, including all significance testing as well as grading monitoring activities, have been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the curation of archaeological materials recovered during both the significance testing and data recovery phases, and a 10 percent cash deposit not to exceed _____ (e.g. \$30,000). A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of curation that includes the processing of the archaeological material by the curation facility, and the archiving of the archaeological material in perpetuity.

ARCHAEOLOGICAL SITE CAPPING PLAN

Implement, to the satisfaction of the Director of Planning and Land Use, a capping plan for the protection of archaeological site CA-SDI-XXXX, loci XX, XX, and XX.

Implementation of the capping plan shall include the following:

- Prior to placing the cap, submit a letter to the Director of Planning and land Use that a County certified archaeologist has been retained to supervise and monitor capping of the archaeological site
- Prior to placing the cap, an index of ____ (insert number) columns is to be excavated. (Required only if significance testing was not conducted).
- Capping of the archaeological site shall be conducted by first placing construction fabric (e.g. Amoco) or a minimum of six inches of sterile sand over the entire area of the archaeological site area to be capped. Cover the sand layer with 1.5 to 2.0 feet of clean fill dirt. This layer shall be “feathered” out to ten feet beyond the defined boundary of the capping area to create a buffer. The materials to be used for capping shall be stockpiled and spread by hand.
- After capping, the soil cap shall be landscaped with drought resistant shallow rooted species. Selection of species shall be made in consultation with a landscape architect. Temporary irrigation shall be a drip system and shall be removed as soon as the vegetation has been established.
- After the cap has been completed and the landscaping installed, the archaeologist shall prepare a final letter report that details how the capping procedure and landscaping was completed.
- All materials recovered during the indexing of the site shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

- After capping, all of the following activities are prohibited from taking place on the capped archaeological site: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exception(s) to this prohibition is:

- The planting of shallow rooted plants, irrigation lines, or utility lines in the sterile cap above the archaeological deposits, according to a plan approved by the Director of Planning and Land Use.
- Placement of an asphalt parking lot (golf course, tennis court, etc.) on top of the capped site.

EQUIPMENT STAGING AREA PROHIBITION

Prior to approval of the grading permit, the following shall be shown on the grading permit:

Activities within 100 feet of the ____ project boundary shall be restricted and prohibits all of the following: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities (including staging, turnaround, and parking); and trash dumping for the protection of cultural resources.

HISTORIC LANDSCAPE SCREENING PLAN

Prepare and implement a standard detailed landscape plan to the satisfaction of the Director of Planning and Land Use. The Landscape Plan shall include the planting of eucalyptus trees along the entire north boundary of the historic landscape Easement "C" to serve as screening between the assisted care facility and the Grant house.

HISTORIC LANDSCAPE TREE PRESERVATION

Develop and implement a plan, to the satisfaction of the Director of Planning and Land Use, for the salvage and transplantation of all existing mature specimens of ____ (insert common name) (*latin name*), that currently line the entrance driveway and along ____, to line the new extension of ____ onto the property and other locations on the property, as approved by the Director of Planning and Land Use. The transplantation shall be supervised in the field by a state-certified arborist. The new locations for these trees shall be indicated on the Tentative Map ____ Open Space Exhibit dated ____/____/____.

HISTORIC RESOURCE CONSERVATION EASEMENT

Grant to the County of San Diego a Conservation Easement over the ____ residence, as shown on the ____, dated _____. This easement is for the protection

and conservation of the _____ and prohibits demolition or alteration of any buildings (including interiors [optional]), and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; alteration of the historic landscape (vegetation, fences, trellis, etc.); construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or any other not consistent with the historic character of the property.

The sole exceptions to this prohibition are:

- Repairs, restoration, or rehabilitation of the _____ in accordance with the “Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995)”. Any plan for such activities shall be designed by a qualified historical architect and approved by the Director of Planning and Land Use, and implemented by a building contractor with demonstrated experience in the renovation and rehabilitation of historic buildings.
- Normal landscape maintenance activities, including the removal of dead or dying trees.

USE, MAINTENANCE, AND REPAIR EASEMENT

Grant to the County of San Diego a Use, Maintenance, and Repair Easement over the _____, as shown on the _____ plot plan (subdivision map, site plan, etc.) dated _____. This easement is for the protection of the historic building and prohibits demolition or alteration of the building.

The sole exception to this prohibition is:

- Repairs, restoration, or rehabilitation of the house in accordance with the “Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995)”. Any plan for such activities shall be designed by a qualified historical architect and approved by the Director of Planning and Land Use, and implemented by a building contractor with demonstrated experience in the renovation and rehabilitation of historic buildings.

SETBACK EASEMENT FOR LOTS ADJACENT TO A HISTORIC STRUCTURE

Grant to the County of San Diego a setback easement over portions of Lots _____ and _____, shown as easement “_____” on Tentative Map _____ Open Space Exhibit dated ____/____/____. This easement prevents construction, erection, or placement of any building, structure, or fence on those portions of Lots _____ and _____ adjacent to the _____ (insert

resource name) lot and ensures that the houses on Lots ____ and ____ are constructed as far away as possible from the _____ (insert resource name) and still satisfy the setback requirements.

The sole exception to this prohibition is:

- Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.
- Normal landscape maintenance activities, including the removal of dead or dying trees.

HISTORIC STRUCTURE RENOVATION PROGRAM

The _____ (insert resource name) and its surrounding grounds, as defined by the "H" designator, will be renovated according to a site plan to the satisfaction of the Planning Director. This renovation program shall include, but shall not be limited to, the following actions:

- A qualified historical architect will prepare the required site plan, to be approved by the Planning Director. Renovation of the _____ (insert resource name) shall utilize the "*Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995)*".
- A building contractor with demonstrated experience in the renovation of historic buildings will implement the approved renovation plan.
- The site plan, in accordance with H designator requirements, will apply to the design and renovation of both the interior and exterior of the house, any outbuildings, landscaping plans, and any earth moving that will take place within the "H" designated area.

LANDMARKING

The applicant shall prepare and submit to the County of San Diego Historic Site Board (Historic Site Board), an application for Landmark Designation for the ____ (and surrounding landscape [optional]) that is described in the Cultural Resources report prepared by ____ dated _____. The Historic Site Board shall examine the ____ and make a recommendation to the Director of Planning and Land Use (Director). The Director shall review the nomination for Landmark Designation and make a decision whether the resource is eligible for Historic Designation in accordance with Ordinance 9493 (Local Register of Historical Resources adopted August 14, 2002).

REGULATION OF USES IN A HISTORIC STRUCTURE

Upon certification by the Director of the Department of Planning and Land Use for occupancy or establishment of use allowed by the MUP, the following condition shall apply:

The first floor of the ____ (insert resource name) shall become a ____ (e.g. resident activity center) that will be designed around the historic ____ (e.g. Victorian) theme of the house in accordance with the preliminary activity plan described in the ____ (insert firm's name) resources report of __/__/__, pages __ through __. The plan includes interior decorations and furnishings that reflect a ____ (e.g. Victorian residence) and an activity program that includes, but shall not be limited to, ____ (e.g. flower arranging and planting preparation, period music and songs, serving high tea, the use of historic photographs and graphics to stimulate discussion and reminiscence, and an interpretive display) that focuses on the life of ____ (insert name), and ____ (e.g. turn-of-the-century San Diego Victorian Culture and Society). The final plan shall be developed and implemented by a qualified historian and approved by the Director of Planning and Land Use.

The sole exceptions to this requirement are:

- The use of the first floor of the house as a pre-marketing office for six months after the certification for occupancy of the senior assisted care facility.
- The second floor of the ____ (insert resource name) will be used for storage or other uses approved by the Director of Planning and Land Use.

GRADING MONITORING AND DATA RECOVERY PROGRAM FOR ARCHEOLOGICAL RESOURCES

MAJOR USE PERMITS

Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction of use of the property in reliance on this Major Use Permit, the applicant shall:

TENTATIVE MAPS

Prior to Approval of Grading or Improvement plans, the subdivider shall:

TENTATIVE PARCEL MAPS

Prior to approval of Grading Permits or any other permit, the applicant shall:

- A. Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the _____ Project, _____ (insert Project Number)/_____ (insert ER Log Number) to the satisfaction of the Planning Director. This program shall include, but shall not be limited to, the following actions:
 1. Provide evidence to the Department of Planning and Land Use that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program to the satisfaction of the Director of Planning and Land Use (DPLU). A letter from the Project Archaeologist shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines:
 - a. The consulting archaeologist shall ensure that a Native American monitor to be involved with the grading monitoring program.
 - b. The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - c. The consulting archaeologist shall monitor all areas identified for development.
 - d. An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities.

- e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite _____ (select one: full-time to perform full-time monitoring, as determined by the Principal Investigator of the excavations). Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Principal Investigator in consultation with the Native American monitor.
- f. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- g. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.
- h. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the County Coroner shall contact the Native American Heritage Commission. The Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains. The Principal Investigator shall follow up with the County Coroner and the Native American Heritage Commission to ensure that these steps have been completed.
- i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.

- j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site forms.
- l. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

B. Provide Evidence to the Director of Planning and Land Use that the following notes have been placed on the Grading Plan:

- 1. The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- 2. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite ____ (select one: full-time to perform full-time monitoring, as determined by the Principal Investigator of the excavations). Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Principal Investigator in consultation with the Native American monitor.
- 3. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting

archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.

4. The consulting archaeologist and Native American monitor shall monitor all areas identified for development.
5. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the County Coroner shall contact the Native American Heritage Commission. The Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains. The Principal Investigator shall follow up with the County Coroner and the Native American Heritage Commission to ensure that these steps have been completed.
6. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Project Archaeologist.
7. Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall also include the following:
 - a. Department of Parks and Recreation Primary and Archaeological Site forms.
 - b. Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program, and a 10 percent cash deposit not to exceed

_____ (e.g. \$30,000). A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of preparing the Final Grading Monitoring that includes artifact analysis, and specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, radiocarbon dating, and curation as determined by the Project Archaeologist in consultation with County Staff Archaeologist.

C. Select one of the following:

MAJOR USE PERMITS

Prior to occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:

TENTATIVE MAPS

Prior to recordation of the Final Map, the applicant shall:

TENTATIVE PARCEL MAPS

Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:

1. Complete and submit a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program to the satisfaction of the Director of Planning and Land Use. The report shall also include the following:
 - a. Department of Parks and Recreation Primary and Archaeological Site forms.
 - b. Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program, and a 10 percent cash deposit not to exceed _____ (e.g. \$30,000). A cost estimate shall be submitted and approved by the

Director of Planning and Land Use for the cost of preparing the Final Grading Monitoring that includes artifact analysis, and specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, radiocarbon dating, and curation as determined by the Project Archaeologist in consultation with County Staff Archaeologist.

Elk Valley Rancheria, California

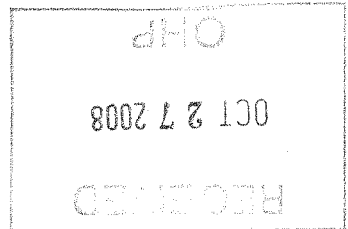


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October 23, 2008

Trish Fernandez, M.A., RPA
Chair, Archaeological Resources Committee
State Historical Resources Commission
Office of Historic Preservation



Re: Archaeological White Papers

Dear Ms. Fernandez:

The Elk Valley Rancheria, California ("Tribe") reviewed the white papers drafted by the Archaeological Resources Committee ("Committee") of the State Historical Resources Commission ("SHRC").

The Tribe has a significant interest in archaeological protection and preservation because of its long history in both California and Oregon. The Tribe's cultural sites are located both on and off-reservation and in areas often visited by the public and in remote areas. The Tribe shares the Committee's concern about the need to improve the best practices to ensure the meaningful and long-lasting protection of culturally significant sites.

The Tribe finds the Committee's purpose to "increase awareness of archaeology and improve the quality of archaeological practice in California," particularly your goal of "establishing best practices...particularly investigations undertaken as part of state and federal compliance work" laudable. As the Committee has concisely shown, there is a significant gap between the current situation and ideal situation in the five areas you address: 1) conservation; 2) curation; 3) interpretation; 4) archaeological resources preservation; and 5) archaeological standards and guidelines.

Though you address participation of California Indian people in the papers, it is unfortunate that a sixth paper entitled "consultation" was not drafted. The lack of Indian involvement in archaeology is an institutional problem that we hope can be alleviated with future policy changes.

A

Below please find specific comments and solutions offered in the "how to bridge the gap" sections.

Conservation

The Tribe strongly supports the proposed addition: "Consult with California Indians and other stakeholders in local land use and follow through with commitments based on their recommendations." However, this statement must be strengthened and made more specific. B-1

As you know, agencies interpret "consultation" differently, too often keeping their efforts to a minimum and not involving tribes until well after the planning stages of projects. This will not change unless it is specified that all State agencies and Local Governments should follow "Best Practices" as set forth in National Historic Preservation Act Section 106, implementing 43 C.F.R. Part 800. The report "Tribal Consultation: Best Practices in Historic Preservation" published by the National Association for Tribal Historic Preservation Officers, the National Park Service, and the Advisory Council on Historic Preservation presents an excellent model which should be followed by all agencies.¹ B-2

As many agencies are self-regulating, they are often not accountable for their consultation efforts or cultural resources management on their lands unless the Advisory Council or Office of Historic Preservation ("OHP") is asked to participate. An oversight committee should be established that proactively reviews agency action. The Committee should include the OHP, Tribal participants, and cultural resource professionals. One function of the committee would be to investigate potential misuse of categorical exemptions from CEQA that result in site destruction. B-3

Too often surveys and evaluations are completed by under-qualified or overworked people. Programs that allow survey and evaluations to be completed by people with little training and/or a vested interest should cease. B-4

The shift to an outlook from isolated sites to cultural landscapes will need to include a broad educational effort. Few understand the "cultural landscape" concept, and many agencies do not understand or fail to recognize their compliance requirements for such properties. The educational effort should explain what cultural landscapes are, how to record them and how to protect them. Many of these places are currently used for spiritual, gathering, or other purposes, and access to these places should be considered in project planning. B-5

Curation

The steps you outline in remedying the "curation crisis" are commendable and ambitious, but one critical phase in the process is missing: oversight. Public agencies and local C-1

¹ http://www.nathpo.org/PDF/Tribal_Consultation.pdf

governments simply must be held accountable for substandard curation practices. Many state and local agencies do not understand or otherwise ignore their compliance requirements regarding collections. Many of the collections will remain uncared for and unreported if there are no consequences or follow up. A curation committee or task force should be established that periodically reviews curation facilities' progress in achieving the objectives spelled out in the guidelines. C-1

If repatriation is not possible, then the State should require good faith, substantive efforts to curate collections at repositories owned by tribes that desire to bring artifacts back to the local tribal community. Further, the State should assist tribes in their efforts to develop such programs whereby collections not repatriated may be curated at tribal facilities. C-2

Interpretation

This section misses a critical point: Interpretive efforts should include California Indians. Consultation will ensure that confidential site locations or sensitive information is not disclosed. Indian people can provide meaningful context, and projects are simply incomplete without their input. D-1

K-12 and other educational efforts should involve California Indians when possible and should strongly advocate site preservation. Educating the younger generation is essential to full understanding and respect for tribal culture. D-2

Archaeological Resources Protection

People often do not know who to call if they witness a cultural resource crime in progress. A central "1-800" phone number that could be used throughout California would be ideal. Meanwhile, local governments and agencies should be mandated to develop protocols and make these protocols available to the general public so people know who to contact if they witness a crime in progress or evidence of past looting. E-1

In addition to the training needed for local government and public agency planners, administrators and decision makers regarding cultural resource statutes and CEQA compliance, local law enforcement personnel (Sheriff's office, City police, agency rangers) often do not understand that looting is a crime or do not take said crimes seriously. Few know how to enforce such crimes. An educational program that reaches out to agencies at the local level should be developed including workshops directed at combating cultural resource crime. E-2

In concert with the "Conservation" white paper, preservation efforts should include all aspects of cultural landscapes, not just archaeological sites. F

Archaeological Standards and Guidelines

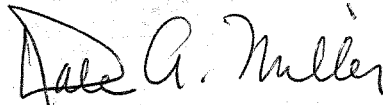
As stated under the "Current Situation" section, "Inadequate Consultation" is a dire problem in California archaeology. To date, with the present process of archaeology as practiced under CEQA, consultation has been woefully inadequate. However, consultation standards and guidelines are not specified in the "How to Bridge the Gap" section of this paper. This section should be strengthened and made more specific, calling for all State agencies and Local Governments to follow "Best Practices" as set forth in National Historic Preservation Act Section 106, implementing 43 C.F.R. Part 800 (see comments above under "Conservation"). For example, it should be specifically stated that California Indians should be brought into the consultation process *at initial project planning stages*, not just at the final "comment period."

G

Thank you for the opportunity to comment on the White Papers. The Tribe hopes that the Archaeological Resources Committee's efforts will improve how archaeology is practiced in the future, and that California Indians are part of the process.

If you have any questions about these comments please contact the Tribe's Tribal Historic Preservation Officer, Shannon Tushingham at stushingham@elk-valley.com.

Sincerely,



Dale A. Miller
Chairman

cc: Elk Valley Tribal Council
Elk Valley Culture Committee
THPO
CEO
Office of Tribal Attorney



SUSANVILLE INDIAN RANCHERIA

23

October 27, 2008

SHRC Archaeological Resources Committee
PO box 942896
Sacramento, CA 94296-0001

RE: State Historical Resources Commission/Archaeological Resources Committee/*White Papers*

Dear Ms. Fernandez and Mr. Grenda:

Susanville Indian Rancheria (SIR) is a federally recognized Indian Tribe, comprised of four distinct Tribes: Mountain Maidu, Northern Paiute, Pit River, and Washoe. Due to the 1850's gold rush, forced relocation of Tribes, massacres, starvation, illnesses, and other atrocities in this area many of the Indians became landless and homeless. Susanville was an area where all four Tribes had gathered, traded, and had Big Times since time immemorial. 30 acres of land were purchased in 1923 by the Greenville BIA Office for landless, homeless California Indians in the Susanville area.

On March 3, 1969, residents living on the Rancheria elected to charter under authority of the Indian Reorganization Act (IRA) of 1934 and thus the initial Rancheria Constitution and Bylaws were approved by the Secretary of the Interior. The individual Indians from the various Tribes became one political, governmental entity with the chartering and approval of its constitution and bylaws by the Secretary of the Interior. The SIR is acknowledged as the federally recognized Tribe for the Rancheria, although there are four anthropological Tribes involved.

In June of 1975, Clifton and Betty Cramer performed a Quit Claim conveyance of the old Indian Cemetery, consisting of .53 acres to the BIA to hold in trust for the SIR. The BIA accepted this conveyance in Dec. 1981. An additional 120 acres was added to the Rancheria in Oct. 1978 under special legislation of Public Law 95-459 which was sponsored by the Honorable Congressman Harold T. (Bizz) Johnson. Another 80 acres was donated to the Rancheria in 1994 that has not been put in Federal Trust Status. An additional 72 acres located at the Sierra Army Depot based in Herlong, CA was acquired from the US Department of the Army under the Base Realignment and Closure (BRAC) Act and added to the Rancheria in Nov. 2000. The SIR Housing Authority purchased 3.21 acres in Dec. 2004. In March 2002, the Tribe purchased an additional 875 acres adjacent to the Upper Rancheria and this land was accepted into Trust Status in Dec 2004. In Sep 2003, the Tribe purchased 160 acres (the Cradle Valley Ranch) located close to Antelope Lake bringing the total land base to 1100.74 acres in Trust Status and 240 acres in fee status.

The governing body of the SIR is the General Council, which is composed of all the members who are at least 18 years of age. The General Council has delegated the

responsibility of running the day-to-day business of the Rancheria to the Tribal Business Council, which is a seven-member Board. The members are elected by the General Council every three years. The Tribe has a voting membership of 398, but including spouses and members under the age of 18; there is a population of 611 individuals associated with the Rancheria. The Tribal Health Program serves over 1500 Native Americans in Lassen County.

SIR has appointed 2 members from each Tribal Affiliation to address all cultural matters for the SIR, under the name of the Tribal Government Liaison Committee (TGLC). Melany L. Johnson, SIR's Tribal Historic Preservation Officer (THPO), brought copies of the white papers to the TGLC; the cultural committee, to have them review and comment on them.

These are a compilation of the comments from the TGLC regarding the *White Papers*. The significance of a site cannot be determined whether one is more significant than another. To us, the Tribes, all are important and significant. Some sites have had to be sacrificed in order to save others, and this is not right or moral. There is inadequate consultation with Tribes. There is a statement from Trish Fernandez regarding the *Position Papers* that seems offensive to the Tribes: "Over the last three to four decades, the public has sought to affect change in some of the policy areas that are topics of the draft white papers. These efforts have met with varying degrees of success, and, when such efforts have fallen short, they have often left no enduring public record to inform and guide the public or the legislative or executive branches of government on subsequent attempts to affect change in these policy areas." This is an example of inadequate consultation, as Tribes are not the "public". Tribes are separate from the public as Native Sovereign Nations. It is important that Tribes know what the standards are and understand them.

The TGLC agrees with the following points of Susan M. Hector Ph.D. RPA's letter on conservation.

- There is an increasing pressure to convert land to development and recreational use.
- Few locations have been recognized as districts or cultural landscapes. Instead, individual archaeological sites and features are recorded without acknowledging the connection between the sites and features—or those material components of the environment. Without the concept of the overall cultural landscape, individual sites and features may appear to lack importance and are incrementally destroyed by development or inappropriate public uses.
- Support the concept of cultural landscapes for conservation so that land managers, archaeologists and Tribes may adjust their context for identification and interpretation of cultural resources to a larger, landscape scale to see the relationships among site types, features, and the environment.
- Discourage excavation of preserved, non-threatened cultural resources.

We wish to make these directives that agencies need to be made accountable for CRM on the lands they manage for all of us. More California Indians need to participate in

A-1

A-2

archaeological surveys. Our Indian Elders are a valuable resource to us and to the Cultural Resource Managers. Remember that California Indians are respected for their knowledge of the lands. Once again, consultation with Tribes needs to be a priority.

} A-2

Cindy Stankowski, M.A.'s paper on Curation states the need for measurable and accountable curation objectives. The SIR TGLC states that the solution to this problem is to return the items to the affected Tribes. If they are part of a burial they need to be reburied. Too many of our Ancestors are in boxes in museums waiting to be reburied. The scientists do not need any more to study. Since there is limited space in California repositories and museums, return those things to the Tribes. Newly "discovered" items can be documented but left where they are found. We wholeheartedly disagree that "all future archaeological collections generated from every data recovery project are curated in a qualified repository." Tribes do not want accessible information to the general public, sites are destroyed, disrespected, and pot hunted. Section II explains providing funding, training, and staff to the OHP to meet critical interpretation and outreach needs. It is most important to reach out to Tribes and consult with them.

} B

Leslie Mouriquand, RPA's paper regarding Archaeological Resources protection, has points that we agree with but unfortunately it does not include consultation with Tribes. The Archaeology staffs should be required to consult with the Tribes, and allow the Tribes to oversee and work with them.

} C

Archaeological Standards and Guidelines, written by Adrian Praetzelas, Ph.D., RPA makes many valuable statements.

- Under-qualified practitioners. You also need to bring in more Tribal people, we are highly qualified and give a perspective that even qualified archaeologists cannot be aware of.
- Inadequate consultation. It is true that Native American Tribes are frequently not consulted or are inadequately consulted, during all phases of archaeological work. This must change.

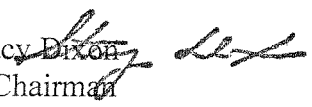
} D

Archaeological standards need to be honorable and Archaeologists need to take Native American sensitivity training. To bridge the gaps, Tribes must be involved with these Guidelines and Standards.

Thank you for the opportunity to respond to the *White Papers*. If you have any questions or comments you may contact Melany L. Johnson, SIR Tribal Historic Preservation Officer, at 530-251-5633 or nagpral@citlink.net.

Sincerely,

Mr. Stacy Dixon
Tribal Chairman



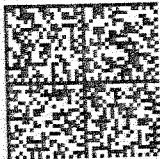
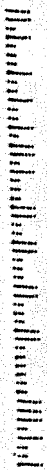


Susanville Indian Rancheria
Natural Resources Department
745 Joaquin St.
Susanville, CA 96130

Mr. Donn Gayenda
Ms. Irish Hernandez
P.O. Box 942896
Sacramento, CA 94396-0001

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24

From: Stephen Bryne (stephen_bryne@dot.ca.gov)
To: SHRC_ARC@YAHOO.COM
Date: Monday, October 27, 2008 10:12:14 AM
Subject: Comments on Position Papers

Dear Ms. Fernandez,

As a professional archaeologist, I strongly support the comments below from the following Position Papers:

Archaeological Resources Protection

"Archaeologists often make decisions regarding site significance based on incomplete information resulting in site destruction."

"Support amendments to CEQA."

Archaeological Standards and Guidelines

"Inadequate documentation. CEQA-mandated projects are undertaken with deficient pre-field work plans and research designs, field survey coverage, resource recording, and curation." In addition, it is a common practice for archaeological consultant's to offer "archaeological monitoring" in place of mitigation. Archaeological monitoring is not the same as mitigation or data recovery; rather it often results in little or no useful data.

Conservation

"Eliminate Categorical Exemptions from CEQA that result in site destruction."

Thank you,

Stephen Bryne, RPA
Associate Environmental Planner (Archaeology)
Caltrans Office of Cultural Resource Studies
District 4 Environmental Division
(510) 622-0152

A

B

C

25

From: TFKing106@aol.com (TFKing106@aol.com)
To: SHRC_ARC@YAHOO.COM
Date: Monday, October 27, 2008 6:44:27 AM
Subject: Archaeology position papers

Having gone briefly through the position papers, I find little to disagree with, and particularly appreciate and agree with the problem statement in the "Standards and Guidelines" paper. The only quibble I have -- and maybe it's more than a quibble -- is with the implication that things are better where federal standards apply. I think that to a greater or lesser extent, all the problems identified by the paper with CEQA-based archaeology are present across the nation in work done under NEPA, NHPA, and the laws of other states.

It seems to me that you err by focusing so narrowly on archaeology. The problems may be most obvious with respect to archaeology, and some may be more or less exclusive to it (curation, for instance), but for the most part they're characteristic of CEQA (and NEPA, and NHPA) practice in general. I doubt if they can be effectively addressed in the context of archaeology alone. For whatever interest it may have, I'm attaching a copy of the last chapter of my forthcoming (from Left Coast Press) book on the corruption of environmental impact assessment and cultural resource management, as an expanded expression of my thoughts on the matter.

A

Good luck,

Tom King

Thomas F. King, PhD

PO Box 14515, Silver Spring MD 20911

240-475-0595

Blog: <http://crmpplus.blogspot.com/>

Forthcoming from Left Coast Press: *Unprotected Heritage: Whitewashing Destruction of Our Natural and Cultural Environment*. January-February 2009

Recently published: *Cultural Resource Laws and Practice (3rd Edition)* Altamira Press 2008. *Saving Places that Matter: A Citizen's Guide to the National Historic Preservation Act*. Left Coast Press 2007

Upcoming open-enrollment classes (2009 Schedule in preparation; see <http://www.swca.com/jsps/training/training.htm>)

Play online games for FREE at Games.com! All of your favorites, no registration required and great graphics – [check it out!](#)

IDA RIGGINS
TRIBAL CHAIRPERSON

OLIVER FORREST
VICE-CHAIRPERSON

ELIZABETH DAVIS
TRIBAL SECRETARY



PIT RIVER TRIBE
37118 Main Street
Burney, CA 96013

Telephone
(530) 335 5421
Fax
(530) 335-3140

ELEVEN AUTONOMOUS BANDS

October 29, 2008

Archaeological Resources Committee
California State Historic Preservation Office
1416 9th Street, Room 1442
Sacramento, CA 95814

RE: California State Historic Preservation Plan update

The following are comments on the California State Historic Preservation Plan update from the Pit River Tribe. We look forward to working with your office in the hopes of furthering our goals of having a tribal voice implemented in your preservation plan.

Section 1. Conservation

Conservation needs to acknowledge and respond to past identities and present-day needs and expectations. Conservation is an important part of tribal interests because State Historic Preservation plans encompass thousands of acres of our ancestral homelands. The State is charged with securing and protecting our ancestral landscapes for future generations. Our recommendations include working collaboratively with tribal communities, traditional religious leaders, and tribally identified officials in order to minimize irreparable negative outcomes. We recommend forming anew and renewing working collaborative partnerships and programs that concentrate on developing an integrated management approach to the conservation of archeological sites and traditional places of cultural significance.

In recent years, the National Park Service has begun to expand upon the essential mission to preserve, study, interpret, and present sites of natural and cultural significance to further work with traditional communities to understand, experience, and perpetuate our shared cultural heritage. For example, in the Tsankawi Project and the Frijoles Canyon Cavate Project, both institutions have come together, and included the Pueblos of Cochiti and San Ildefonso, in exploring culturally and environmentally appropriate methods to better understand and manage ancestral Puebloan sites that lie within the jurisdiction of the Bandelier National Monument. In addition, a practical field-training program was developed and implemented to provide opportunities for National Park Service professionals and Native American interns. This partnership has served as a model cooperative program, and helped to stimulate dialogue between associated tribes and the park—dialogue that continues to be very alive and active today.

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26

Section 2. Curation

Current curation practices largely remain insensitive to the living cultures from which sacred objects, objects of cultural patrimony, and associated funerary items originate. Some scientists and museum officials have begun to take active efforts in responding to the demands from traditional cultural groups for increased attention to the spiritual needs of these items and objects. Anthropologists and archaeologists have historically been concerned with collecting, curating, and preserving people's material culture, but have not been interested in learning about how these objects might be curated from other perspectives. Curation under the direction of the tribally affiliated religious or spiritual leader can often assist in the handling of sacred or religious objects in the manner prescribed by the culture for which the object has ritual significance. Such recognition opens up possibilities for the exchange of information, knowledge, and expertise.

B-1

In attempting to address these problems, comprehensive inclusion of the concerns of tribal people and comprehensive knowledge of curation methods are both needed, and must be pursued as extensively as possible within the limits time and space. We recommend implementing policies such as the International Council on Museums (ICOM) Code of Ethics for Museums, where the needs of the museums are balanced with close collaboration with the communities which their collections originate.

B-2

Section 3. Interpretation

Local tribes and regional worldviews should be conveyed in respect to interpreting cultural places, items, and associated objects. Tribal cultures and traditions are interconnected to the land and ecology from which they originate, thus historical preservation is a fundamental part of our present worldview, unique histories, specific religions, current and past political institutions, and cultural values. As education and training are used to meet the critical interpretation and outreach needs, such principles and relationships should be incorporated into State curriculum.

C-1

Acknowledgement of a tribal presence on-site, regionally, or in general should be acknowledged when interpreting tribal cultural history, values, and objects. Tribal governments have environmental and cultural resources interest on and off the tribal trust land that they will seek to protect. Interpreting tribally significant places, sites, or objects shall not occur without tribal consultation.

C-2

Section 4. Preservation

It is our position that preservation of our traditional tribal cultural places is essential to the future of our tribal cultures. Tribal governments should be viewed as partners in preservation. Government-to-government relationships provide a mutually respectful means for communicating and decision making. The central challenge is the lack of consistent, timely, and effective consultation. The lack of meaningful dialogues and conferral with tribes in the consultation process has seriously hampered progress in the government-to-government relationship. Often, tribes are contacted too late in the review process to have meaningful roles in decision-making. We recommend adopting and implementing specific policies and standards, such as the ones outlined in the Archaeological Standards and Guidelines comment section below. These standards would likely be beneficial to tribes and anyone involved in the CEQA process alike and would be necessary to highlight in SB 18 trainings and educational materials.

D

Section 5. Standards

Meaningful and early tribal consultation is paramount in government-to-government relations. Your office must establish and implement effective processes to permit tribal governments and tribal agencies to provide meaningful and timely input in the development of regulatory proposals concerning consultation. For example, "if the agency fails to meet the consultation requirements, the objecting tribe shall report to the committee and the committee shall review the tribe's concerns. If the concerns are warranted, the proposed action shall halt until the offending agency follows the prescribed consultation policy with the necessary tribe(s)." The State Historic Preservation office should establish training and guidance to ensure satisfactory adherence including an understanding in: tribal sovereignty, government-to-government relations and responsibilities, and responsibilities to Indian tribes in the CEQA review process.

E

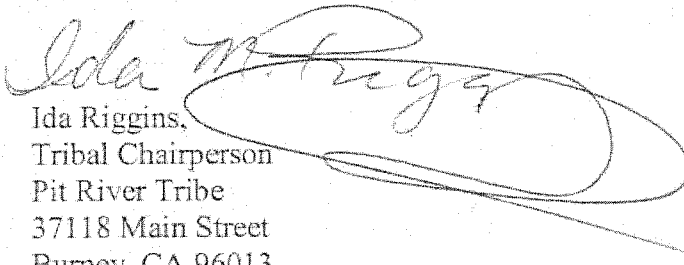
Section 6. Guidelines

Develop or adopt Tribal consultation policies similar to the Advisory Council on Historic Preservation policies. Establish a communication network in which information is regularly exchanged with Native people. Host regular regional meetings to dialogue with Native people about issues of concern, to increase understanding of their position, and share information; create an interactive website to encourage dialogue. Extend outreach, training, education and training courses on consultation requirements and policies. Dedicate a section of the website to Native issues including news items, guidance, and training information. Integrate timeless traditional teachings and values into modern day practices.

F



Thank you for providing us with this notice and opportunity to comment.

Sincerely,


Ida Riggins,
Tribal Chairperson
Pit River Tribe
37118 Main Street
Burney, CA 96013
(530) 335-5421
(530) 335-3140 fax

⚠ Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Resource Committee, SHR Archaeological

From: Jim Royle [jwroyle@cts.com] **Sent:** Sat 4/21/2007 4:01 PM
To: Resource Committee, SHR Archaeological
Cc:
Subject: White Paper Comments
Attachments:  [White paper Comments - Archaeological Resources Protection.doc\(32KB\)](#)  [White paper Comments - Archaeological Resources Conservation.doc\(32KB\)](#)

Attached are my comments on two of the white papers.

Jim Royle
jwroyle@cts.com

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**SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE
WHITE PAPER COMMENTS**

Paper Title

Archaeological Resources Conservation

Name and Affiliation

Jim Royle

Date:

April 21, 2007

Contact Information:

4976 Quincy Street
San Diego, CA 92109-2302
(858) 274-2768
jwroyle@cts.com

Comment:

One thing that's been clear to me, as Chair of the San Diego County Historical Site Board, is the absence of an archaeological equivalent to the Mills Act's preservation incentive for historic structures. Jurisdiction counsels for several different jurisdictions have advised that the Mills Act cannot be applied to archaeological sites due to the absence of improvements. While there may be a potential, untested so far, to apply the Williamson Act to open space containing archaeological sites, clearer and more explicit incentives are needed to address the unique aspects of providing incentives for the preservation of archaeological sites. This needs to be addressed at the State level.

A

**SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE
WHITE PAPER COMMENTS**

Paper Title

Archaeological Resources Protection

Name and Affiliation

Jim Royle

Date:

April 21, 2007

Contact Information:

4976 Quincy Street
San Diego, CA 92109-2302
(858) 274-2768
jwroyle@cts.com

Comment:

While I agree with the first bullet under "How to Bridge the Gap", this may not be realistic for many smaller jurisdictions. It would certainly help if a way could be worked out, both procedurally and practically, for jurisdictions to share specialist staff skills such as archaeology and historic preservation. This might be from other cities, or from the county, or perhaps even from another agency such as the local association of governments.

Regarding the "Provide training..." bullet under "How to Bridge the Gap", I would suggest also providing training to members of the public who might be interested in participating in the CEQA process as reviewers.

B

28

Resource Committee, SHR Archaeological

From: CourtCoyle@aol.com [CourtCoyle@aol.com] **Sent:** Wed 3/21/2007 11:01 AM
To: Resource Committee, SHR Archaeological
Cc: cstankowski@sandiegoarchaeology.org; Lynne.Christenson@sdcounty.ca.gov; shector@asmaffiliates.com; jpeidsness@yahoo.com; Melvern@aol.com; Scott.Morgan@OPR.CA.GOV; lmiranda@pechanga-nsn.gov; harveya@caltba.org; michelle@lapenalaw.com; Donaldson, Milford; anthea_hartig@nthp.org; cwinterrowd@sandiego.gov; Cjlinton73@aol.com; LindaOtero@fortmojave.com; b.nash@quechantribe.com; lhaws@viejas-nsn.gov; TFKing106@aol.com
Subject: Re: Comments on White Papers 2
Attachments:

Carmen Lucas has had an opportunity to review the white papers. She offers the following observation and comment:

The SCA listed her name as a peer reviewer regarding the review of the white papers. She did not appreciate her name being listed in an ambiguous manner as she only reviewed the paper by Susan Hector, not all the papers.

Her comment is that the papers are all about archaeology - nothing in them seriously considers protection of Native American ancestral human remains. She feels that a statement must be made in clear, understandable language that requires that forensic dogs will be used to test all known midden soils before ground disturbing activities. If the dog test is positive, then the midden soil will be placed into a protected preserve in perpetuity.

She thanks you for the opportunity to comment.

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

From: Sherri Gust (sgust@cogstone.com)
To: SHRC_ARC@YAHOO.COM
Date: Wednesday, October 22, 2008 2:30:37 PM
Subject: position papers

29

Most of the position papers http://www.ohp.parks.ca.gov/?page_id=24556 do an excellent job of spelling out the current status and setting goals. I agree with them.

However, the position paper on Archaeological Standards and Guidelines is notably different. Each item listed under Current Situation is true to some extent but certainly presents a worst case scenario. Furthermore, they imply that CRM consultants are deficient compared to academic archaeologists which I have not found to be true.

A-1

The statements under Ideal Situation are more pie-in-the-sky than realistic. The Register of Professional Archaeologists was set up to certify people as meeting minimum standards and then bastardized for more money (to increase membership). The ethics standards of RPA don't work because the Register doesn't want to be sued.

A-2

Furthermore, a lot of archaeologists think they do a great job and everyone else sucks. They don't really look at whether they are meeting minimum requirements. I recently reviewed the Playa Vista work for a project of mine that crosses the area and I was very surprised by the failure of the CRM consultant to update site records and file reports at CHRIS for a period exceeding 15 years. The most common thing I have to ding people for in peer reviews is failure to perform the appropriate Native American consultation which should be a no-brainer.

A-3

I have been doing this work a long time and the number of "qualified public officials" overseeing CEQA work is fantastically small. Agencies with archaeologists on staff like Caltrans and the County of Riverside are a joy to work with.

While consistency of approach and enforceable review and sanction are a good idea, there is no practical way to make all the municipal entities in California adopt them or enforce them. The standards set by the County of Riverside at http://www.tlma.co.riverside.ca.us/planning/content/devproc/culture/cult_resource.html or Caltrans <http://www.dot.ca.gov/ser/vol2/vol2.htm> are much more pertinent than those of the Secretary of the Interior. Having SHPO adopt these type of guidelines to replace the ancient ARMR would go a long way. Enforceable review and sanctions add another layer of expense and litigation to the existing process. Currently in California licenses are required for practioners of professions that involve public safety only. Renewable certifications in specific areas of expertise similar to those for biologists (Desert Tortoise Certificate, etc.) would appear more appropriate. The new CHRIS certification procedure should assist with this.

A-4

Consistency is a great idea but will be defied in the name of academic freedom. For example, Playa Vista used the UCLA Zooarchaeology Lab to do the faunal analysis in the early years utilizing the Santa Barbara method of weighing bone instead of counting it. Then they switched to a zooarchaeologist who counts specimens. Thus, even within a project, the data is not consistent or directly comparable.

A-5

The San Diego Archaeological Center does not have a standardized catalog because they decided that they did not have the right to tell people what fields they needed to have. A standardized catalog is the key to being able to compare data. Even when one was developed entirely using public funds (Caltrans) like for the Cypress Archaeological Project, Sonoma State University claimed that they owned it and refused to make it publically available. Greed is certainly not restricted to the private sector.

A-6

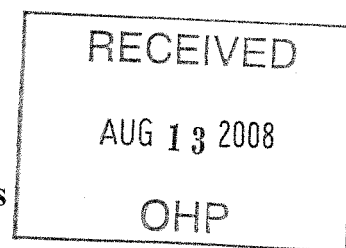
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Santa Ana, CA 92701
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30

To: SHRC Archaeological Resources Committee

8-5-2008

From: Freddie Romero / Santa Ynez Band Of Chumash Indians
Tribal Elders Rep / Cultural Preservation Consultant



Re: Archaeological Resources Committee Position Papers Comments

To whom It may concern,

I would like to thank you for the opportunity to make comments in regards to the future of professional archaeological practices and the preservation of Native American cultural items in the state of California. I have reviewed the committee's comments, please accept my following comments on the committee's position papers.

If you have any questions about my statements or need explanation of any of my comments, feel free to contact me. My contact information is listed below.

Freddie Romero
SYBCI Tribal Elders Rep
Cultural Preservation Consultant
805-688-7997 x37
freddyromero1959@yahoo.com

Comments on the State Historic Resources Commission Archaeological Resources Committee Position Papers

Purpose

The SHRC is seeking comments from California tribes that they can incorporate into their position papers, in response to the most recent iteration of the *statewide historic preservation plan* for presentation at their third quarter meeting in 2009. This state plan will cover a period from 2006 - 2010 and include strategy to promote archaeology in California. The goals and objectives of this plan came from a 1995 preservation task force sub-committee on archaeology report of findings. This plan defines five (5) areas in which professional archaeological practices may improve:

- Curation
- Conservation
- Interpretation
- Preservation
- Standards

The following are comments on the position papers of the archaeological resources committee.

Conservation

Items that need to be added to bridge the gap section of this paper

- A. Look at locations in terms of a districts and archaeological landscape, rather than an area with multiple sites, in order to offer greater protection to these areas.
- B. Use a different criteria for approving MND's, land use and building permits when they occur in a district or archaeological landscape area, versus a single site location.
- C. Add this verbiage to Federal, State, and local municipalities land use and historic preservation guidelines.

A

Curation

Items to be added to bridge the gap section

- A. Develop plans and strategies for working with tribes, for the sole purpose of repatriating these items in curation (human remains, & artifacts). Identify tribes and their areas of historic occupation for the purpose of repatriation.
- B. Make repatriation part of the state budget for funding such efforts.
- C. Work with state and local municipalities in designating land for the sole purpose of reburial of our ancestors and cultural items.
- D. Change the laws of the state to make it a crime to dig up our ancestors and cultural items.

B

Interpretation

Items to be added to bridge the gap section

- A. State and local municipalities should establish a construction charge or tax to be levied at the time a permit is filed based on the size of project, similar to charges found in federal guidelines for archaeological testing. The income generated from such a tax, could then be used to help fund preservation projects and cultural related programs in the form of grants.
- B. Include tribal elders, storytellers, and tribal cultural education leaders to be a part of establishing the Native American story of California.
- C. Work with state agencies, in the area of education, and vocation schools in establishing a curriculum, making archaeology and Native American cultural material identification part of their requirements, for those who work in the field or position that may require them to be onsite where cultural material may be exposed.
- D. Work with state, federal, and local agencies in establishing training for the identification of cultural artifacts and make it a requirement for excavation companies to have their heavy equipment operators participate in it.

C

Archaeological resources protection

Items to be added to bridge the gap section

- A. Legislate greater penalties for destruction of archaeological sites.
- B. Hold higher education responsible for destruction of sites.
- C. Limit the amount of archaeology preformed, under guise of scientific research.

D

Archaeological Standards and Guidelines

Items to be added to bridge the gap section

- A. Periodic review of surveys by peers, county planners, tribes, and stake holders.
- B. Specific training for county and city personnel involved in establishing and enforcing CEQUA guidelines.
- C. Establish a relationship with tribes and stakeholders at the local county government and municipalities level that deal with establishing list of individuals, with whom consultation would take place.
- D. Involvement at the earliest time possible, such as the time of conceptual review, application request, and long range planning, so that tribes may have time to review projects and research area for impacts to cultural sites.

E